



FEDERAL BUREAU OF INVESTIGATION

**HOWARD ROBARD
HUGHES**

PART 4 OF 12

FILE NUMBER : 95-211845

In the Eighth Judicial District Court

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of
HOWARD ROBARD HUGHES, JR., Deceased.

ANNETTE GANO LUMMIS; BARBARA
CAMERON, et al.,

Plaintiff-
Contestants,

vs.

HAROLD RHODEN, SUBSTITUTE FOR
NAMED EXECUTOR, NOAH DIETRICH,

Defendant-
Proponent.

Subpoena

The State of Nevada Sends Greetings to

Special Agent James E. Lile
Federal Bureau of Investigation
Assistant Director of Identification Laboratories
J. Edgar Hoover Building
Washington, D.C. 20535

We Command You, That all and singular, business and excuses being set aside, you appear and attend before Department No. IX of the Eighth Judicial District Court of the State of Nevada, in and for County of Clark, at the Court Room of said Court at Las Vegas, in said County and State, on the 7th day of December, A. D. 19 77, at 9:00 o'clock A. M. and continuing thereafter on the part of Harold Rhoden, Substitute for Named Executor, Noah Dietrich, Defendant-Proponent. And for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit One Hundred Dollars in addition thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 29th day of September, A. D. 19 77

By Paula Wood, Deputy Clerk

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

I hereby certify and return that I received the within Subpoena on the _____ day of _____, A. D. 19 _____, and that I personally served the same upon _____ by showing the within to _____, and delivering to _____ a copy of the same in Clark County, State of Nevada, on this _____ day of _____, A. D. 19 _____

ELI BLUMENFELD LAW CORPORATION
1800 AVENUE OF THE STARS, SUITE 2440
CENTURY CITY
LOS ANGELES, CALIFORNIA 90067
TELEPHONE 593-6668

with yellow

October 10, 1977

The Director
Federal Bureau of Investigation
Washington, D. C. 20537

OUTSIDE SOURCE

Attention: Mr. Quintus Ferguson
Latent Fingerprint Section

Re: Estate of Howard Robard
Hughes, Jr.

Dear Mr. Ferguson:

As you are aware, the trial of the above case has been continued to November 7, 1977. Consequently, the date of your appearance as a witness has been changed to the period commencing December 7, 1977 through December 31, 1977. Of course, we will give you as much advance notice of the actual date for your appearance as possible.

This confirms my telephonic agreement with Mr. Chris Mazella, Esq., of the Department of Justice that you will appear as a witness in the above-entitled case upon call by me all as detailed in my September 9, 1977 letter to you, a copy of which is attached and which is incorporated herein as though fully set forth.

Enclosed is a subpoena with respect to your appearance as a witness which Mr. Mazella has agreed can be mailed to you and further that you will comply therewith as if it was served upon you in the state of Nevada.

Additionally, it was agreed that in lieu of a required affidavit by the undersigned setting forth the summary of your requested testimony, it will be deemed compliance with such requirement to inform you that the questions which will be posed to you at the trial ^{EX-136} will be consistent with those at your deposition in the above matter on June 20, 1977.

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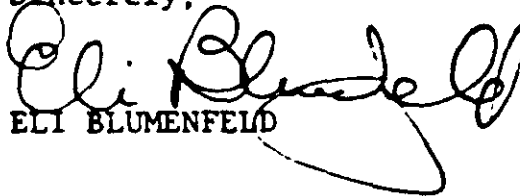
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The Director
Federal Bureau of Investigation
October 10, 1977
Page Two

Please sign a copy of this letter indicating your receipt of the subpoena and your agreement to appear and bring with you all of the reports and documents as set forth in the attached letter and return such copy in the enclosed self-addressed stamped envelope to the undersigned. As agreed, we will reimburse your office for any and all costs incurred in connection with your appearance in Las Vegas for this trial.

Thank you for your cooperation in this matter and please don't hesitate to call or write to the undersigned if you have any questions with respect thereto.

Sincerely,


ELI BLUMENFELD

EB:la
cc: Harold Rhoden, Esq.

THE UNDERSIGNED agrees to appear to testify at the Clark County Courthouse in Las Vegas, Nevada, in accordance with the provisions set forth above.

DATE: _____

QUINTUS FERGUSON

ENCLOSURE 20

95-211845-70

In the Eighth Judicial District Court

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of _____
HOWARD ROBARD HUGHES, JR., Deceased.
ANNETTE GANO LUMMIS; BARBARA
CAMERON, et al.,

Plaintiff S-
Contestants,

vs.

HAROLD RHODEN, SUBSTITUTE FOR
NAMED EXECUTOR, NOAH DIETRICH,

Defendant-
Proponent.

Subpoena

The State of Nevada Sends Greetings to

Quintus Ferguson, Latent Fingerprint Section
Federal Bureau of Investigation
Washington, D.C. 20537

We Command You, That all and singular, business and excuses being set aside, you appear and attend before Department No. IX of the Eighth Judicial District Court of the State of Nevada, in and for County of Clark, at the Court Room of said Court at Las Vegas, in said County and State, on the 7th day of December, A. D. 1977, at 9:00 o'clock A. M., and continuing thereafter the part of Harold Rhoden, Substitute for Named Executor, Noah Dietrich, Defendant-Proponent. And for a failure to attend you will be deemed guilty of contempt of Court, and liable to pay all losses and damages sustained thereby to the parties aggrieved and forfeit One Hundred Dollars in addition thereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 29 day of September, A. D. 1977

LORETTA BOWMAN

Clerk

By _____

Paul D. ...

Deputy

STATE OF NEVADA, }
COUNTY OF CLARK } ss.

I hereby certify and return that I received the within Subpoena on the _____ day of _____, A. D. 19____, and that I personally served the same upon _____ by showing the within to _____, and delivering to _____ a copy of the same in Clark County, State of Nevada, on this _____ day of _____, A. D. 19____

Sheriff of Clark County, State of Nevada

1 - Mr. Ash
1 - Mr. Kelleher
1 - Mr. Mintz

10/28/77

The Deputy Attorney General

Director, FBI

FEDERAL GOVERNMENT

1 - Legal Research Unit
1 - Mr. Mazzella

IN THE MATTER OF THE ESTATE OF
HOWARD ROBERT HUGHES, JR.,
DECEASED; EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
COUNTY OF CLARK,
LAS VEGAS, NEVADA
SUBPOENA MATTER

The purpose of this communication is to advise you of the receipt of subpoenas for the testimony of Special Agent (SA) James E. Lile, Document Examiner, Laboratory Division, and Mr. Quintus Ferguson, Fingerprint Specialist, Identification Division. It is my decision to decline to approve the appearance of Mr. Lile and Mr. Ferguson for purposes of testifying in captioned matter. Pursuant to the provisions of Title 28, Code of Federal Regulations (CFR), Section 16.24(b) (1976), as amended by Departmental Order 693-77, effective March 30, 1977, this matter is being referred to you for your review and final decision.

The following factual background is being provided to assist you in understanding the basis of my decision to resist these subpoenas.

At the request of the Attorney General for the State of Nevada, the so-called "Mormon Will" of Howard R. Hughes, Jr., and related materials were examined in the FBI Laboratory and Identification Division, in connection with a state criminal investigation of Melvin Dummar for forgery and perjury. Dummar was named in the will as one of the beneficiaries.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

CM:kg
(8)

MAILED 2
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FBI

REC-33

SEE NOTE PAGE 5

95-211845-71

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32!

signed &
sent Mazzella
10/21/77

SEVENTH

MAIL ROOM

TELETYPE UNIT

The Deputy Attorney General

Dummar contends that one evening a stranger came into Dummar's gas station. After the stranger left, Dummar found an envelope on a desk located in the service station. The envelope was addressed to Mr. McKay and had written on it instructions that "...this will is delivered after my death to Clark County Court House, Las Vegas, Nevada," signed Howard R. Hughes. McKay was a former elder and head of the Mormon Church. Dummar claims that as a result of his curiosity, he steamed open the letter, examined its contents, and, after noticing it was a will, placed the will back in the envelope and resealed it. Dummar contends that he then placed this envelope and its contents into another envelope which he addressed to "President Spencer W. Kimball, Church of Jesus Christ, Salt Lake City, Utah." Dummar claims that he then proceeded to Salt Lake City where he deposited the outer envelope and its contents on a desk in the Mormon Church.

The examinations of the various documents revealed the following:

1. The Kimball envelope contained a latent fingerprint identifiable with Melvin Dummar.
2. Handwriting examination of the Kimball envelope was inconclusive due to the fact that handwriting was of disguised quality.
3. The handwriting on the McKay envelope and the will was definitely not that of Howard Hughes. However, examination could not conclusively eliminate Dummar or other suspects as the makers due to the fact that the writings were simulations of Hughes' handwriting.

The Deputy Attorney General

4. No identifiable fingerprints were discovered on the McKay envelope or on the will.
5. A latent fingerprint identified as Dummer's was discovered on a book entitled "Hoax" which contained photographs of Hughes' handwriting. The book related the story behind Clifford Irving's duplicities with regard to Hughes' supposed autobiography.

A civil action was subsequently brought seeking to challenge the validity of the will. The defendant-proponent in the action is Harold Rhoden, substitute for the named executor, Noah Dietrich.

In response to telephonic and written requests by Eli Blumenfeld, Esquire, 1900 Avenue of the Stars, Los Angeles, California, attorney for the defendant, SA Lile and Mr. Ferguson personally appeared in Los Angeles and gave lengthy depositions as to their respective findings. Mr. Ferguson and SA Lile were deposed on June 20, 1977, and July 8, 1977, respectively. I am enclosing copies of these depositions for your use. It should be noted that authority for the giving of depositions by SA Lile and Mr. Ferguson was based upon the specific understanding that the depositions would be given in lieu of any subsequent personal appearances by Mr. Ferguson or SA Lile at later proceedings. Despite this fact, Mr. Blumenfeld now sees fit to subpoena Mr. Ferguson and SA Lile in contravention of this agreement.

It should also be noted that Mr. Blumenfeld had the subpoenas mailed to Mr. Ferguson and SA Lile. The cover letters accompanying the subpoenas, copies of which are also being enclosed, make reference to an agreement between Mr. Chris Mazzella of our Legal Counsel

The Deputy Attorney General

Division and Mr. Blumenfeld to the effect that SA Lile and Mr. Ferguson would appear as witnesses. In fact, no such agreement was ever entered into. Mr. Mazzella simply informed Mr. Blumenfeld that before any consideration could be given to authorizing Mr. Ferguson and SA Lile's appearance, a subpoena would have to be issued in compliance with CFR. The portion of Mr. Blumenfeld's letter alluding to an agreement regarding the service of process and handling of the affidavit requirement is substantially correct.

I have based my decision to resist this subpoena on the reasons stated below:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

35

The Deputy Attorney General



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It is for the aforementioned reasons that I hope you concur with my decision not to comply with the subpoenas. It is respectfully requested that if you do decide to resist these subpoenas, you promptly issue appropriate instructions to the Office of the United States Attorney in Las Vegas, Nevada, to move to quash the subpoenas.

If you desire additional information or assistance from the FBI, please contact SA Christopher Mazzella, Legal Counsel Division, telephone No. [REDACTED]

67c

Please note that both subpoenas are returnable on December 7, 1977.

Enclosures (4)

NOTE:

This communication advises the Deputy Attorney General of the receipt of subpoenas calling for testimony of Identification and Laboratory Division personnel in a non-federal civil action. The subject matter of the litigation is solely within the cognizance of the FBI. This communication informs the Deputy Attorney General that the Director of the FBI has declined to authorize such testimony and requests the Deputy Attorney General, pursuant to the appropriate provision of the CFR, to make a final decision with regard to this matter.

(5)

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Ident. Div. _____	Plan. & Insp. _____
Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgmt. _____
Dep. AD Adm. _____	Intell. _____	Spec. Inv. _____
Dep. AD Inv. _____	Laboratory _____	Training _____
		Public Affs. Off. _____

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

In the Matter of the Estate of
HOWARD ROBARD HUGHES, Jr.,
Deceased.

ANNETTE GANO LUMMIS, et al.,
Contestants

vs.

HAROLD RHODEN, substitute of
NOAH DIETRICH,
Proponent

No. 7276

Department IX

Deposition of JAMES E. LILE,
taken on Friday, July 8, 1977.

RALPH KERRY, C. S. R.
& ASSOCIATES
COURT REPORTERS - DEPOSITION NOTARIES
1830 WEST EIGHTH STREET
LOS ANGELES, CALIFORNIA 90017
483-1334
C.S.R. #260

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

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In the Matter of the Estate
of
HOWARD ROBARD HUGHES, JR.,
Deceased.

ANNETTE GANO LUMMIS,
BARBARA CAMERON, et al.,
Contestants,
vs.
HAROLD RHODEN, substitute of
NOAH DIETRICH,
Proponent.

No. 7276

Department No. IX

Deposition of JAMES E. LILE, taken on behalf of the
proponent at 2049 Century Park East, Los Angeles, California
on Friday, July 8, 1977, commencing at 10:00 A.M., before
Carmel Verodi, CSR, Notary Public, pursuant to notice.

APPEARANCES OF COUNSEL:

For Contestants
Annette Gano Lummis and William R. Lummis:

Andrews, Kurth, Campbell & Jones
By O. Clay Lilienstern, Esq.
2500 Exxon Building
Houston, Texas 77002

RALPH KERRY, C.S.R.
COURT REPORTER - DEPOSITIONS
1830 WEST EIGHTH STREET
LOS ANGELES, CALIFORNIA 90057
381-6635

August 9, 1977

James E. Lile, Special Agent
Federal Bureau of Investigation
Ninth and Pennsylvania Avenue, N.W.
Washington, D.C. 20535

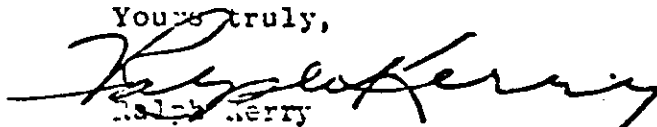
Re: Estate of Howard R. Hughes, Jr.

Dear Mr. Lile:

Enclosed herewith is your deposition, taken July 8, 1977. After reading it, please sign it on the signature line on page 189 before a notary public, having your signature notarized.

If you wish to make any changes in any of your answers, you may do so with pen and ink, initialing each change. Then return the deposition to me promptly for filing with the court.

Yours truly,



Encl.

Ralph Kerry

cc Harold Rhoden, Esq.

Rec'd in Lab 8/12/77 JH

1 For Contestants
2 Barbara Cameron, Agnes Roberts and Elspeth DePound:

3 Kindel & Anderson
4 By Paul L. Freese, Esq.
5 555 South Flower Street
6 Los Angeles, California 90071

7 For State of Nevada:

8 D. G. Menchetti
9 Deputy Attorney General
10 Chief, Criminal Division
11 Supreme Court Building
12 Carson City, Nevada 89710

13 For Proponent:

14 Harold Rhoden, Esq.
15 Harvey Strassman, Esq.
16 By Eli Blumenfeld, Esq.
17 2049 Century Park East
18 Los Angeles, California 90067
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I N D E XWITNESSEXAMINATION

JAMES E. LILE

By Mr. Blumenfeld

5 - 107

By Mr. Lilienstern

107 - 115

By Mr. Freese

115 - 153

By Mr. Menchetti

153 - 159

By Mr. Blumenfeld

159 - 186

By Mr. Menchetti

186 - 187

By Mr. Freese

187 - 189

E X H I B I T SPROPONENT'SIDENTIFIED

1-a, b, c Letter dated 12-8-76

6

2-a, b, c, Voluntary Statement of Melvin E.
d, e, f Dummer dated 1-15-76

9

3-a, b Inner envelope

23

c, d, e three-page will

4-a, b, c First Document Report

d, e, f, g dated 3-11-77

19

5-a, 5-b Second Report dated 4-18-77

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6 Photocopy of front and reverse
sides of inner envelope

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7 Color photo of front side of
inner envelope

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8 Color photo of reverse side of
inner envelope

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9-a thru m James E. Lile's Notes

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PROPOSER'SIDENTIFIED

10a through h	Eckersley Memo	37
11a through 11e, with 11f omitted	Photocopies of exemplars	67
12a, 12b	Outer envelope	104
13a, 13b	Note	104

JAMES E. LILE,

a witness in the above entitled action, having been first duly sworn, testified as follows:

EXAMINATION

BY MR. BLUMENFELD:

Q Would you, Mr. Lile, just give us your address where you can be reached, for the record?

A Federal Bureau of Investigation, Ninth and Pennsylvania Avenue, Northwest, Washington, D.C. 20535.

Q Mr. Lile, have you ever had your deposition taken before?

A Not in a civil matter.

Q Now, your deposition is very much like being in court; that is, you're under oath and all the requirements apply here, the only difference being that there's no judge; but the questions will be asked of you and your answers will be recorded by the reporter. If there is any question about a particular question, if you are at all concerned or don't understand the question, don't hesitate to so state, and we'll rephrase it. Our purpose is just to obtain certain information.

At the end of the deposition at a later date, you will be given a chance to review the deposition and make any corrections and changes that you wish; but, if you make any changes, any attorney will have an opportunity to comment on the changes, if it's ever used in the trial. You will, then, get an opportunity to change or make corrections, sign it before a notary, and return it to the reporter, who will file it with

1 the court.

2 Mr. Lile, you were requested to make certain tests
3 in connection with documents in this Howard Hughes will case,
4 were you not?

5 A Yes, I was.

6 Q And who made that request?

7 A The request was made in a letter from Mr. Bruce
8 Greenhalgh, who was identified as a chief investigator for the
9 State Attorney General, State of Nevada.

10 Q Do you know what that request was?

11 A There were several. It was a somewhat lengthy
12 letter and there were several different types of document
13 examinations.

14 Q Do you have a copy of that letter?

15 A Yes, I do.

16 Q Can we see it, please? You don't have any problems?

17 MR. MENCHETTI: No, no problem.

18 May I look at the letter first? We sent so many.

19 MR. BLUMENFELD: We can go off the record.

20 (Discussion off the record.)

21 MR. MENCHETTI: No objection.

22 MR. BLUMENFELD: Can we mark this as an exhibit? I guess
23 we'll call it Lile 1, a through c.

24 (The document referred to was marked by
25 the notary public as Proponent's Exhibit 1-a,
26 b, c for identification.)

27 MR. MENCHETTI: What is the date of that letter?

28 MR. BLUMENFELD: December 8, 1976.

1 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand
2 you Lile Exhibit 1 a through c and ask you if you conducted the
3 tests requested in that letter?

4 A I think I should clarify something. First of all,
5 in this particular letter, he had submitted many photocopies
6 of documents rather than original documents and, in subsequent
7 telephone conversations with Mr. Greenhalgh, he was advised
8 these photocopies were not adequate for document examinations
9 and it would be necessary for him to obtain the original docu-
10 ments rather than photocopies. He subsequently came to
11 Washington personally with the original documents; and, in
12 personal conversation, he, in essence, repeated the request in
13 this particular letter.

14 Q Now, when he came to Washington, did he bring the
15 originals of every document set forth in that letter?

16 A No; he brought the originals of key -- that is,
17 the three-page will, original of the so-called inner envelope,
18 and, as I recall, that was all the original documents, with the
19 exception of some handwriting exemplars of various individuals.

20 Q Now, do you know if any of those exemplars were
21 original documents?

22 A As I recall, some of them were; yes, they were.

23 Q Do you recall which exemplars were brought?

24 A Again, I'd have to refer to my notes.

25 Q You may do that.

26 MR. FREESE: Could I look at the letter while he does?

27 MR. BLUMENFELD: Sure.

28 THE WITNESS: Yes. In addition to the so-called inner

1 envelope and the so-called outer envelope and note, as well as
2 the three-page will, he brought a six-page voluntary statement
3 which bore the handwriting exemplars of Melvin E. Durmar --
4 D-u-m-m-a-r.

5 Q BY MR. BLUMENFELD: And was that the only exemplar --

6 A At that time, yes.

7 Q -- at that time?

8 Do you have a copy of that six-page voluntary
9 statement that was brought?

10 A Yes, I do.

11 Q May we have a copy of it, please?

12 A What I have are photographs of the exemplar writings.
13 Since they do constitute part of our file, I'll have to have
14 them to take back with me.

15 Q Certainly.

16 MR. MENCHETTI: You'll see what he's referring to now,
17 Paul.

18 Q BY MR. BLUMENFELD: Now, these are photographs of
19 the six-page document. Do you mind if we mark it with the
20 exhibit number or would you prefer we make Xerox copies first
21 and --

22 A Prefer you make copies of them.

23 Q All right, we'll refer to them as exhibits and
24 then have Xerox copies made.

25 Six-page document labeled Voluntary Statement,
26 signed by -- has the signature of Melvin E. Durmar. We'll
27 label that as Exhibit Lile 2-d through i -- if my lettering is
28 --

1 MR. LILIENSTERN: You want to start with "a" again,
2 don't you?

3 MR. BLUMENFELD: That's right; Lile 2-a through f.

4 MR. MENCHETTI: What is the date of that, please?

5 MR. BLUMENFELD: Dated January 15th, 1976.

6 Now, Mr. Lile, aside from the documents that you
7 have just mentioned, did you have any other original documents
8 in connection with your analysis?

9 A Not at that time. Others were subsequently brought
10 or mailed to me both by Greenhalgh and other persons.

11 Q And which other documents, original documents were
12 brought to you at a subsequent time?

13 A There were a large number of them. I had approximate-
14 ly 100 sheets, 100 pages of original writings of Howard R.
15 Hughes, in addition to other documents.

16 Q Would your notes reflect which exemplars you had
17 with respect to the original writings of Howard Hughes?

18 A Yes, I do.

19 Q Could you just tell us which original documents --

20 A The documents referred to in my lab report as
21 specimens K5, K6, K7, K9, K10, and K11.

22 Q So it's K5 through 11?

23 A 5 through 11, excluding 8.

24 Q And approximately how many pages did this consist
25 of, being 5 through 11?

26 A Roughly estimating, I would say approximately 100
27 pages, perhaps less, a few more.

28 Q Do you have copies of all these exemplars?

1 A. Yes, I do have photographs.

2 Q May we have that?

3 A They will be numbered in reverse order, from the
4 bottom of the folder up.

5 MR. BLUMENFELD: Off the record.

6 (Discussion off the record.)

7 MR. BLUMENFELD: Back on the record.

8 Q BY MR. BLUMENFELD: Mr. Lile, approximately how
9 many separate documents do K5 through 11, omitting 8, represent?

10 A By documents, do you mean considering a multi-page
11 document --

12 Q Yes.

13 A -- as opposed to a single document? I don't know;
14 several have multi-page letters.

15 Q May I take this file apart?

16 A Surely, if you try to keep them in the order that
17 they are.

18 Q You indicated you had the original of each one of
19 these pages?

20 A Yes, I do.

21 Q And these are all photographs. Who made the photo-
22 graphs?

23 A Photographs were taken by photographic technicians
24 working under my direction in the FBI laboratory. The actual
25 size is one to one. The photograph reproduction is true and
26 are faithful copies of the original documents.

27 MR. BLUMENFELD: Off the record.

28 (Discussion off the record.)

1 Q BY MR. BLUMENFELD: Now, getting back to the tests
2 that you conducted, will you just generally tell me which tests
3 you personally conducted?

4 A I was requested, or the FBI laboratory was requested,
5 to do several examinations. My particular portions of the
6 examinations concerned requests, first of all, to determine
7 whether the will was in fact prepared by Howard R. Hughes, or
8 was not prepared by Howard R. Hughes; second request^{ion}, if it
9 was determined that it was not prepared by Howard R. Hughes,
10 to make comparisons of the writings on the will with the exemplar
11 writings that were submitted to me -- Melvin Dunbar's writings,
12 as well as the writings of several additional individuals --
13 for the purpose of determining, if possible, whether any of
14 those individuals did prepare the will, the inner envelope, and
15 the outer envelope with the note.

16 I was also requested, if possible, to determine the
17 approximate age of the document -- that is, the date that it was
18 prepared -- and any other information that would assist in
19 determining the source of either the envelopes or the three-page
20 will, and a few other requests concerning various types of
21 examinations concerning the inks, the staining on the papers,
22 the postage meter mark on the reverse side of the envelope,
23 several document-type requests.

24 Q And did you conduct all of these requests as
25 requested of you?

26 A With the exception of the ink examinations and the
27 fingerprint examinations, I did conduct them.

28 Q Mr. Lile, would you tell us what your area of

1 expertise is in the Federal Bureau of Investigation?

2 A I'm in the examination of questioned documents.
3 This consists usually of the comparisons of the handwriting,
4 typewriting, mechanical printing processes, paper; in some
5 instances, inks; and early preliminary examinations of various
6 types of documentary evidence for the purpose of either
7 determining the source of questioned or disputed documents or
8 the identity of the author of the particular set of writings.

9 Q When you say questioned documents, are you talking
10 about the handwriting? Would that fit within that?

11 A The handwriting would be part of the questioned
12 document. I examine the physical aspect of the questioned
13 document in its entirety, depending on what the situation is.
14 There are various instances where I would be expected to
15 conduct examinations for indented writings or examinations of
16 paper, in an attempt to determine the manufacturer of the
17 paper or to examine typewriting to determine the manufacturer
18 of the typewriter used to prepare the typewriting in various
19 questioned document examinations.

20 Q Would you be considered an expert in handwriting
21 in the FBI?

22 A We don't use the term ourselves. The term is
23 applied to us by the courts and other persons, but I consider
24 myself qualified in the examination of questioned documents, as
25 do my colleagues.

26 Q But you do, in your analysis, examine and compare
27 the given document to exemplars?

28 A That's correct.

1 Q And you also make an analysis of the ink that was
2 used?

3 A Only in early, preliminary-type, elimination
4 situations. In this particular instance, I did not examine the
5 inks.

6 Q But you normally do the preliminary stages?

7 A The preliminary stages. I do; that is true when
8 limited examinations -- that can be limited to lighting or
9 photographic processes and do not involve the chemical examina-
10 tions. I am not qualified to do chemical examinations.

11 Q Now, you are an expert as to determination of the
12 paper, the kind of paper, the age of the paper; is that correct?

13 A To the limits of non-destructive examinations, yes.

14 Q That includes determining the manufacturer of the
15 various papers?

16 A If possible, that is correct.

17 Q And you also stated that you were requested to check
18 the postage meter?

19 A That is correct.

20 Q That is, the inner envelope; and what did you do
21 with respect to that postage meter? What check test did you
22 perform?

23 A I, first of all, directed the photographic technicians
24 to utilize infrared and ultraviolet photography to determine
25 whether or not the ink in the stamp did or did not fluoresce --
26 that is, glow -- under ultraviolet light. Under certain
27 situations, we had been advised in the past by Pitney Bowes,
28 who is the manufacturer of the postage meters, that at that

1 particular time they did begin putting a fluorescent feature
2 into the ink, so I directed the photographic technicians to do
3 that on the stamp; and I also examined it purely from a non-
4 destructive microscopic standpoint.

5 Q But you didn't conduct the photographic test your-
6 self?

7 A No, it's done under my direction and supervision
8 by technicians.

9 Q Was a report submitted to you with respect to the-
10 meter?

11 A They reported the results orally to me and also
12 gave me the photographic results of their examinations.

13 Q And what were these results?

14 A The results were that the postage meter impression
15 did not fluoresce. The postage meter impression disappeared
16 when photographed under infrared lighting, to indicate there was
17 no carbon in the ink itself and that, in essence, is the limit
18 of it and not conclusive in any fashion.

19 Q Now, you indicated earlier that you had exemplars
20 of individuals other than Melvin Dummar?

21 A Yes, I had exemplars of -- and had caused some
22 confusion as to Bonnie Dummar's and Linda Dummar's, I believe.

23 Q Did you conduct the tests to determine whether the
24 will -- that is, when I talk about the will, we're talking about
25 the so-called Mormon will --

26 A Three-page will.

27 Q -- three-page will; and, for purposes of the record,
28 so there will be no confusion, why don't we at this point

1 introduce that three-page will and the inner envelope, front
2 and back, as an exhibit?

3 I'm handing you a document. If you will review this
4 document and tell me whether this is -- and it's a Xerox --
5 of the inner envelope and the three-page will that you reviewed.

6 A Yes, this appears to be a copy of the will and
7 envelope I examined.

8 MR. BLUMENFELD: Okay, let's mark that as Exhibit Lile
9 3-a through e.

10 Q BY MR. BLUMENFELD: Mr. Lile, do you have any other
11 specialties other than the ones you have indicated, other than
12 with regard to the questioned documents?

13 A I specialize in the examination of photocopies and
14 photocopying machines. I've published articles in technical
15 journals on the topic. I additionally have a particular
16 specialty in the examination of printing -- that is, mechanical
17 printing processes and printing material.

18 Q Any other specialties?

19 A Those are the major fields.

20 Q How long have you been with the Federal Bureau of
21 Investigation?

22 A For more than 16 years.

23 Q And would you tell us briefly, during these 16
24 years, what you did with the Federal Bureau of Investigation?

25 A Yes, I originally served in a clerical capacity
26 when I was very young after high school. Later, after I
27 attended classes at George Washington University, I qualified
28 for the position of technician in the laboratory. I served as

1 technician in the laboratory a few years. Thereafter, upon
2 completion of my education, I entered the FBI Academy for
3 special training.

4 Q Approximately what period of time?

5 A We're talking about 1958 through 1966.

6 Q And in 1966 you entered the FBI?

7 A As a special agent, yes. Prior to that time, I
8 had been a non-agent employee technician myself.

9 After becoming a special agent, I served approximately
10 three years as a field investigator special agent.

11 Q Doing what?

12 A Various types of criminal investigations and other
13 responsibilities, usually assigned to the field.

14 Q What years?

15 A 1966 through '69. In early 1969 I returned to
16 Washington to the FBI laboratory on a full-time basis.

17 Q In 1969 what did you do at that time?

18 A At that time I studied; I worked under the guidance
19 and supervision of experienced examiners; I have read
20 extensively, I attended classes, conducted experiments, both
21 of the ^{classic} variety ^{in the} and questioned document field and did
22 original research.

23 Q During this period from 1969 forward, while you
24 were studying, did that include all areas of your expertise so
25 that you focused in any particular area initially?

26 A That included all areas -- initially covered all
27 areas of questioned documents and included a Master of Science
28 Degree from George Washington University in forensic science.

1 Q When did that occur, your Master of Science in --

2 A I believe in 1973, that I obtained the Master of
3 Science Degree.

4 Q And have you been called upon to testify in any
5 trial in connection with questioned documents?

6 A A large number of times, yes.

7 Q In what area have you testified? Would it be in
8 any of these special areas of expertise you have mentioned or
9 just generally in all areas?

10 A As a practical matter, it has been in all areas but,
11 ^{by} from a numerical majority ^{by} have involved handwriting.

12 Q I see. Have you also been called to photograph any
13 crime scenes at any time?

14 A No, I have not.

15 Q You're not a photographer?

16 A No, I am not. I have received very basic photo-
17 graphic training, some basic chemistry of photography but do
18 not consider myself a photographer, not a professional.

19 Q You conducted tests on the physical evidence with
20 respect to the inner envelope and the three-page will, which we
21 have labeled Exhibit Lile 3-a through e; is that correct?

22 A That's correct.

23 Q Now, with respect to just the envelope, the inner
24 envelope, what test did you conduct on that envelope, other than
25 the handwriting?

26 A Other than the handwriting, any tests that I
27 conducted were limited to non-destructive tests. The under-
28 standing at that time I received the evidence was that my

1 examinations would be limited to non-destructive tests. These
2 consisted primarily of physical examination of the envelope
3 itself; that is, using magnification, specialized lighting,
4 both oblique or side lighting; and, in an attempt to determine
5 whether there were any indented writings or other extraneous
6 markings on the envelope, to determine, if possible, what
7 caused the very obvious change in color and texture around the
8 edges of the envelope; to examine the inks themselves to see,
9 again, from a lighting standpoint, whether the inks were
10 consistent -- that is, whether they consistently did or did not
11 fluoresce under ultraviolet light or did or did not drop out
12 under infrared lighting. I conducted all of these examinations.

13 Q Did you prepare a report as to your findings?

14 A Yes, I did.

15 Q May we see a copy of that?

16 A The report actually consisted in two parts: the
17 first part was prior to the examination for latent fingerprints;
18 and the second part was limited to an examination of the flap
19 on the envelope, the inner envelope, at the time the latent
20 fingerprint examination was conducted.

21 Q You didn't conduct the investigation as to the
22 latent fingerprints?

23 A No, I did not.

24 Q Is your report broken down between the handwriting
25 -- is it apart from the physical evidence?

26 A No, it's all in the same report, same two reports.
27 The second report --

28 Q And the report you're handing me, dated March 11,

1 1977, which report is that?

2 A This was the first document report; that is the
3 report concerning just the document examinations that I submitted
4 to the Attorney General of the State of Nevada.

5 Q Let's mark this as an exhibit. That would be
6 Lile Exhibit 4 -- seven-page document, a through g.

7 A Then the second half of the examination, that is,
8 the final ^{stage} ~~stage~~ of the examination for document exams reported
9 in FBI Lab Report dated April 18, 1977 --

10 MR. LILIENSTERN: I suggest you give the reporter time
11 enough to mark those.

12 MR. BLUMENFELD: Yes, let's also mark the second report
13 dated April 18, 1977 as Lile 5 a and b.

14 (The documents referred to were marked
15 by the notary public as Proponent's Exhibits
16 4-a through g and 5-a and 5-b for identifi-
17 cation.)

18 Q BY MR. BLUMENFELD: Mr. Lile, would you please refer
19 to your report and notes; and dealing just with the physical
20 evidence, aside from the handwriting in question, can you tell
21 us what examination you conducted and what you found?

22 A You said other than the handwriting?

23 Q Right.

24 A I examined all of the original documents; that is,
25 the inner envelope and the three-page will, again, preserving
26 the documents as I did so from any contamination. Knowing they
27 would be treated later for latent fingerprints and wearing
28 cotton gloves, I examined all the documents under ultraviolet

1 lights, both fluorescent and luminescent, for purposes of
2 determining whether any additions or other inks had been added
3 to the document itself. In many instances these examinations
4 will permit a determination when this has occurred.

5 I did the same type examination, using infrared
6 lighting, again both luminescent and fluorescent, for the same
7 purpose.

8 Also, these tests will show any extraneous stains
9 that will appear. The stains may fluoresce underneath ^{type of} lightings
10 when done ^{none in it/} under visible lighting.

11 I found the reverse side of the third page of the
12 will, the lower half of the reverse side, fluoresces slightly
13 under ultraviolet light, whereas none of the remainder of the
14 pages or the envelope fluoresce at all, neither the writing,
15 the stains, nor the paper. I found that they reacted similarly
16 under infrared lighting, both fluorescent and luminescent.

17 I examined the documents microscopically, looking
18 for any indication that erasures, changes, additions, or
19 deletions had been made. I found one erasure. I found one
20 erasure on the seventh line of the first page of the three-page
21 will. It appears in the word --

22 MR. FREESE: Sorry, seventh line?

23 A Seventh line on the first page of the three-page
24 will; and, it occurred in the word Las -- L-a-s -- Las Vegas.

25 MR. LILIENTERN: The entire word or --

26 THE WITNESS: The final portion.

27 Q BY MR. BLUMENFELD: When you say final portion,
28 were you referring --

1 A To the area of the "a" and the "s" in the word
2 Las.

3 Q Just in the word Las?

4 A Just in the word Las; this was the only erasure
5 I found in the document.

6 I examined the documents to see if there were any
7 water marks, brand names, trademarks, to assist in determining
8 the manufacturer of either the paper or the envelope. I found
9 none.

10 I examined the postage meter mark on the envelope
11 in an attempt to determine the exact date shown on the impression
12 and to decipher the meter number, which appeared on it, but
13 without good luck; could not determine the exact date, could
14 not be determined; nor could the full postage meter number be
15 determined.

16 Again, I instructed the photographers, utilizing
17 high-contrast photography, to make, in essence, darker images
18 in an attempt to bring them out, including enlargement, but
19 without success.

20 And those were the primary physical examinations
21 that I conducted of the envelope and the three-page will.

22 Q With respect to just the postage meter for the
23 moment, were you able to determine any part of the date on the
24 meter number?

25 A Yes, a portion, as I recall; the photographs would
26 show a portion of it.

27 Yes, in the photograph, the letters M-a-r,
28 abbreviation for March, can be seen; but the remainder, the

1 date is obliterated.

2 Q And how about the postage meter number?

3 A Same is true of the postage meter number; in some
4 instances, portions of the numbers are visible, but I could not
5 make a determination as to what the exact numbers were.

6 Q Did you try to determine whether those numbers were
7 actual numbers used by Pitney Bowes?

8 A No. In conversation with Mr. Greenhalgh, he
9 advised me he had already attempted to do that and he himself
10 had been in contact with Pitney Bowes, so I did not do it.

11 Q Now, getting back to this erasure on the word Las;
12 how did you determine it was an erasure?

13 A It's very noticeable, particularly when oblique
14 lighting is placed parallel to the surface of the paper. In
15 this instance, the fiber ^{fractures} ~~factors~~; the disturbances, are very
16 noticeable.

17 Q Could you determine whether the erasure was on the
18 paper before the words were put on or the words themselves were
19 erased? Is that possible to --

20 A There are faint traces of previous ink writings in
21 those areas, giving an appearance that previous writings -- that
22 is, one letter, portion of a letter -- had been erased and then
23 written over again.

24 Q Now, with respect to the stains on the will itself,
25 did you make any analysis of the stains?

26 A Well, the first simple analysis was to give a test
27 to see if there was any noticeable odor of solvent. Some will
28 have an odor and will stay for quite awhile, particularly if

1 the document is sealed. I noted none. Other than lighting
2 examination of those stains, I conducted no others. I did,
3 however, know, or I do know from my own experience, that
4 although ball point ink writings, which these are, do not
5 normally run when they get wet, because they are of a glycerin
6 base, or petroleum base rather than water base, they will not
7 run. However, under high temperature ball point ink will bleed
8 slightly and run.

9 Q When you say ball point ink won't run, you mean
10 immediately or at any time?

11 A Normally on the sheet of paper, if it gets wet,
12 ^{ball point ink by} the writings will not run on the surface of the paper as, say,
13 a washable blue ink from a fountain pen. ^{it} If it were to ^{be cleaned} stain,
14 ^{that is} will cause them to run. This is at any date -- immediately
15 or at a future date.

16 Q Now, with respect to the envelope itself, you
17 indicated that you made an analysis of the flap of the envelope?

18 A Yes, I, at the time of the first examination --
19 that is, prior to the treatment for latent fingerprints -- I
20 made a microscopic examination of the flap. ^{it's} It's noted no
21 extraneous glue lines.

22 Q By the way, we're referring to the inner envelope,
23 which has been designated here as Lile 3-a and b; is that
24 correct? *

25 A That's correct.

26 Physical examination of the flap was made in an
27 attempt to determine if there was an extraneous glue line, for
28 example, made by ^{opening} people. When a letter is steamed open and

1 resealed, the person doing the resealing will not get the
2 alignment of the flap in perfect alignment with the original
3 sealing and this will leave sometimes a faint glue line. I
4 found none. However, the absence of the glue line is not of
5 particular significance. The absence of the glue line would not
6 be of any particular significance but the presence, had it been
7 there, would have been of significance; but I found none.

8 I^{VI} Also noted very noticeable crinkling, onion skin
9 effect, on the flap of the envelope.

10 Q With respect to the absence of the glue line, that
11 you found no glue line --

12 A No glue line.

13 Q -- what did that indicate to you?

14 A The absence of the glue line indicates nothing
15 particular.

16 Q I see. In reviewing the flap, did you find any
17 additional glue was added to the glue?

18 A Not by the non-destructive examination, no.

19 Q But you did find by other examination?

20 A Subsequently. At the time the documents were
21 treated for latent fingerprints, I had asked in advance that
22 the latent fingerprint examiner notify me at the time he was
23 prepared to do his testing of the papers. He gave me a call
24 and I went up to his laboratory -- this is Mr. Ferguson --
25 went up to his laboratory and was present when he applied the
26 acetone solution of ninhydrin -- n-i-n-h-y-d-r-i-n -- I believe
27 it is.

28 At the time the application of this solution --

1 which is very wet -- at the time it's applied, the flap of the
2 material, as will usually occur, immediately began to curl; so,
3 with only slight pressure, the flap opened down to a portion,
4 just a couple of inches from the edge. There it stopped. This
5 reoccurred all the way around the edge of the flap: that is,
6 the acetone caused the flap to turn. You will note this other
7 particular pattern of four spots; the acetone did not affect the ^{that}
8 adhesive, so in applying additional force, the flap ^{it} became
9 open but left some fibers still adhering to the -- imbedded in
10 the adhesive, which remained ^{on it} in the balance of the envelope.

11 Again, I have a photograph showing the ^{it} in
12 adhesive pattern.

13 Q Why don't you let us look at that photograph and
14 perhaps help us all in understanding?

15 A In this photograph I've indicated by the red arrows
16 the areas where the ^{extra} X-ray ^{was} adhesive ^{was} were applied. You can see
17 there is a very recognizable pattern there. In my experience,
18 acetone readily dissolves most envelope flap glues. Most
19 envelope flap glues are dextrans, which are from refined
20 starches, with the addition of other oils to the glue; and the
21 dextrin glues are in essence rewettable; that is, you can wet
22 them; you can wet them and dry them and wet them again and still
23 have an adhesive power. This second glue did not readily
24 release upon wetting by the acetone.

25 Q When you say second glue, are you saying there was
26 additional glue added to the flap?

27 A In four areas.

28 Q And these are the four areas you discussed?

1 A Indicated by the arrows in the photograph, yes.

2 Q And were you able to test the age of that glue?

3 A No, that's not within my experience or training.

4 Q Well, what did that indicate to you, other than the
5 fact that additional glue was added?

6 A When combined with the bleeding of the inks on the
7 envelope, the wrinkled nature of the flap, the discoloration of
8 the paper around the edges, and the presence of this additional
9 adhesive, that indicates to me that at some time the envelope
10 was sealed, steamed open, then resealed.

11 Q And prior to the resealing, there was additional
12 glue added to the flap?

13 A That's correct.

14 Q Were you also able to determine whether the
15 envelope was heated at any time?

16 A I noted discoloration and brittleness in the paper,
17 which is consistent with heating of paper. Again, in my
18 experience, paper can be readily given an appearance of great
19 age by application of heat. Conservators of documents, for
20 instance, in replacing fly leaves and things of that nature in
21 historical papers will take the same type paper and age it in
22 a dry-heating oven by the application of the heat. The heat
23 will, in essence, affect the fibers in the paper in the same
24 fashion that the passage of time will.

25 Q Are you saying it has the same effect?

26 A It has the same effect, yes.

27 Q Is this within your area of expertise, to determine
28 whether it has a same effect?

1 A I have seen it done and I have experience in that
2 area.

3 Q When you say you have experience in this area,
4 would that be chemical analysis?

5 A No, it is not; physical examination.

6 Q Were you able to tell whether this heating was
7 applied after or before the additional glue was added?

8 A I couldn't determine that, no.

9 Q Now, do you have a photographic copy of the front
10 of the will -- oh, I see it's on the same --

11 A The envelope is open.

12 Q Would you tell me, if you can, what the effect of
13 the heating was on that envelope?

14 MR. MENCHETTI: I'm going to object. I don't think he
15 said it was heat. It had an indication it might have been heat.
16 I don't think he said it was heat.

17 THE WITNESS: It has characteristics, which are usually
18 found from heating. This is not positive evidence it was
19 heating. As I stated before, extreme age would have the same
20 effect on paper.

21 Q BY MR. BLUMENFELD: That is what I wanted to get to.
22 Then you could not tell whether it was the heating or the age
23 that caused the discoloration of the envelope?

24 A Not with any great degree of certainty, no.

25 Q Now, in your analysis of the envelope, was the
26 discoloration consistent throughout the envelope, the front
27 and the back side?

28 A There was some discoloration throughout, but it was

1 primarily isolated around the edges of the envelope; that is,
2 the four sides.

3 Q And was it consistent on all four sides?

4 A One side, the upper edge, was brittle to the point
5 that, I take it, at the final opening large portions and
6 fragments of the envelope disappeared and fell off. At the
7 time I examined it, it was still in a very brittle state.

8 MR. FREESE: Could we go off the record a minute?

9 MR. BLUMENFELD: Sure.

10 (Discussion off the record.)

11 Q BY MR. BLUMENFELD: We have been referring to a
12 photocopy made by your office, but used by you, of the front
13 and reverse side of the inner envelope?

14 A That's correct.

15 Q Why don't we mark that as Lile Exhibit 6? Again,
16 I think we'll make a Xerox copy of this.

17 Now, in looking at Lile Exhibit 6, the front and
18 reverse of the inner envelope, would you look at the outer
19 edges of both front and reverse and tell me if that is
20 consistent with a heating of an envelope?

21 A These same characteristics would be present if an
22 envelope were exposed to extreme heat, yes.

23 Q Is that on both sides? Take a careful look at the
24 edges on both the reverse and the front side?

25 A It's true on all the edges, but more noticeable on
26 the upper edge; that is the upper flap edge.

27 Q Is this consistent with the front and reverse side
28 on the same side of the envelope?

1 A I'm not certain I follow --

2 Q If you take a look at the envelope on the left side
3 -- that is Lile Exhibit 6 -- you will see some indication of
4 either heating or ageing, as I understand it; is that correct?

5 A Well, they are primarily noticeable in the brittle
6 area in the upper edges and lower edge, but to lesser degree on
7 the ends.

8 Q Now, taking a look at the end -- let's look at the
9 left side as you are holding it facing you. Now, is the heating
10 or ageing process, whichever it is, on the left side consistent
11 on the front and reverse side?

12 Do you understand the question?

13 A I do, but I think it shows more clearly on color
14 photographs than it does here which was torn, and showing the
15 adhesive spots.

16 Q Can I take a look at the color photos?

17 A Sure.

18 Q Well, let's refer to the color photos and mark those
19 as Lile Exhibit 7 for the front side and Lile Exhibit 8 for the
20 reverse, the color photos of the inner envelope.

21 A That's correct.

22 Q With that question in mind, would you take a look
23 at Lile Exhibit 7 and Exhibit 8 and respond to that question?

24 A The discoloration is more noticeable on the left end
25 than on the right end. The brittleness and discoloration,
26 however, is much more noticeable on the upper and lower edges
27 than on either end.

28 Q Looking at Lile Exhibit 8, which is the reverse

side of the inner envelope, is there any discoloration there?

A Very little on the left edge.

Q Very little on the left edge; and looking at the same edge on Lile Exhibit 7, is there any discoloration on that edge? That's the same edge you just looked at?

A There is some.

Q Some?

A But less than the other edge.

Q Would you apply the same questions to the other side of the envelope, Lile Exhibit 7 and Exhibit 8 and respond to those questions?

A Again, I'm becoming a little confused over right and left when you turn the envelope over. Would you indicate which edges you mean on the photograph?

Q Maybe that's the problem.

A We're dealing with the front and back situation. The original envelope is like this (indicating.)

Q Right.

A Now, are you referring to the right edge on the face and the corresponding left edge on the reverse side?

Q That is correct.

A Yes, there is noticeably less discoloration on those particular edges than on the others.

Q And that is as you face the envelope, face the front of the envelope?

A Right, as you face the writings on the front, the right side is discolored to a lesser degree than the left-hand side edge.

1 MR. BLUMENFELD: Let's go off the record.

2 (Recess.)

3 MR. BLUMENFELD: Back on the record.

4 Q BY MR. BLUMENFELD: Mr. Lile, I'm looking at the
5 report, Lile Exhibit 4-a through g, dated March 11, 1977. Is
6 that a report by you or is that a report by your entire office?

7 A That's a report by me.

8 Q And you conducted each one of these tests set forth
9 in your report?

10 A Yes, I did.

11 Q Now, with respect to the postage meter that was
12 found on the reverse side of the inner envelope, which is
13 Lile Exhibit 3-b, did you find that to be consistent or
14 inconsistent with the Pitney Bowes postage meter?

15 A Based on the limited number of samples we had on
16 file, it was generally consistent in configuration and size.

17 Q Now, with respect to the running, some kinds of
18 staining on the will -- it's the three-page will -- did you
19 make a determination as to what that was?

20 A Not to the degree of actually performing chemical
21 examinations. I discussed the possibility of having the
22 chemical examinations conducted with a chemist in our laboratory.
23 He advised me that with almost any passage of time of any real
24 duration, what few residues remained in the paper of the solvent
25 would have evaporated, not leaving sufficient quantity to merit
26 determination as to what that particular stain was; and then,
27 based on my knowledge of what steam will do to ball point
28 writings, it was my theory that these stains could have been

1 water -- that is, water in the form of ^{stain}stain -- but, again, it
2 is not conclusive.

3 Q And in your discussion with the chemist in terms
4 of the passage of time, did you specify any passage of time?

5 A Well, the date of the will was 1958.

6 Q So you're talking from 1968 --

7 A 1968 on and any period of time of lesser duration
8 within that time frame.

9 Q Well, in terms of lesser durations, is there any
10 minimum time -- a day, week?

11 A There are too many variables involved. Humidity
12 affects it; temperature, exposure to extreme heat would affect
13 it. There are too many variables to permit real determination
14 as to the age of the stains of the document itself.

15 Q So, you couldn't determine with respect to the
16 chemical analysis of the stains as to the age, as to whether it
17 was written in 1968 or at any time subsequent thereto -- I'm
18 sorry -- yes, the stain made subsequent to 1968?

19 A That's correct; totally ^{inconsistent}~~inconsistent~~.

20 Q So, it was consistent with either?

21 A That's true.

22 Q Now, going back for a moment to when you started
23 working with the FBI in the area of questioned documents, you
24 indicated that you started in 1969 and that you worked in the
25 broad area of questioned documents plus these other specialties;
26 is that correct?

27 A When you say started, of course, that's taking
28 under consideration that I had previously served in the same

1 laboratory as technician, doing similar type work, but not in
2 the ^{possibility} responsibility of examiner of documents. When I returned
3 in 1969, it was as a trainee document examiner.

4 Q And what period of time were you a technician?
5 That was '63 to '66 or --

6 A No, I was a technician from approximately 1960 until
7 1963.

8 Q I see. That's when you went to school?

9 A While I was going to school.

10 Q And why was it necessary for you to be a trainee
11 in '69 if you had previously undergone the same training?

12 A First of all, there is a distinct separation
13 between the duties of technician and the duties of examiner.
14 A technician does many types of preliminary examinations. The
15 technician does many things, such as the cataloging of
16 evidence, proofreading of reports, that sort of thing; whereas
17 the examiner does the final examination itself, verifies and
18 checks all the preliminary examinations conducted by the
19 technician, writes the final report, and testifies as to the
20 conclusions in that report, if necessary.

21 Q Do you have a back-up examiner on this examination?

22 A There were a total of three examiners involved. The
23 case was originally assigned to a different examiner. I was
24 scheduled to be the back-up examiner to him, just so that one
25 of us would be available, hopefully, in the event the results
26 were necessary in court. The original examiner was transferred
27 to a different position. I became then the number one
28 examiner and they assigned another examiner as a back-up.

1 Bureaucratic snarl, but in essence, three examiners have been
2 involved in various stages in the examination, yes.

3 Q Well, is there a back-up examiner to the work that
4 you did? We have already taken the deposition of Mr. Ferguson
5 and, of course, he was working on latent fingerprints.

6 A That's correct.

7 Q Who was the back-up examiner for you?

8 A Donald Stangel -- S-t-a-n-g-e-l.

9 Q And he is in your office in Washington, D.C.?

10 A Yes, he is. He's back-up examiner on the hand-
11 writing portion. There is no back-up examiner on the remaining
12 portion.

13 Q Now, in your analysis of the physical evidence, were
14 you able to determine the age of any of the physical evidence
15 that you examined?

16 A No, I was not.

17 Q Now, when you made this examination to determine
18 whether the will was written by Howard Hughes, you said you
19 also had exemplars by other individuals, some of them being
20 Melvin Dummer, Bonnie and Linda Dummer?

21 A Two Bonnie Dummars, as I recall; that is correct.

22 Q Now, did you make a determination as to whether
23 any of those individuals wrote the three-page questioned will?

24 A No, no determination was made.

25 Q Did you attempt to do so?

26 A I attempted to do so; for several reasons it was
27 not possible to do so.

28 Q Would you tell us why it was not possible?

1 A Firstly, the exemplars I had for the female
2 Dummars -- plural -- were, for the most part, photocopies of
3 the documents. Photocopies of handwriting, in my experience,
4 are not adequate for handwriting examinations.

5 Q Does it make any difference which degree of photo-
6 copy it is: first, second, third?

7 A It is extremely rare, in my experience to make a
8 determination with first generation photocopies of such.
9 Every succeeding generation of photocopy makes it that much
10 worse. That was one reason. The chief reason, however, was
11 due to the nature of the questioned writings themselves; that
12 is, these questioned writings were not in the normal writings
13 of whoever prepared them. They were, in essence, drawn. It's
14 like having two persons draw a square. It would not be
15 possible to state who drew the square because they are, in
16 essence, drawing a square. These writings are drawn; they are
17 not written.

18 Q Are you saying, then, someone can intentionally
19 disguise their handwriting so you could not tell a particular
20 person wrote it?

21 A Yes, it is possible.

22 Q Is it easy to do?

23 A Some persons more easily than others.

24 Q But it's common?

25 A No, it is not common, except involving simulated
26 writings; that is, in copying other persons' writings. You
27 have to differentiate between the words disguise and simulation.

28 A person intending to disguise their own writings

1 would do several different things to those writings. The results
2 would be considerably different than the type of writings that
3 would result from one person trying to copy the writings of
4 another individual.

5 Q Earlier you mentioned indented writings. I'm not
6 familiar with that. Maybe you can clarify.

7 A Very simply, it's the writing on the page underneath
8 other writings. That is, if you're writing on a tablet, the
9 page underneath where you're writing will have some of the
10 indentations of the writings you're making.

11 Q You just indicated that the exemplars that you had
12 of the individuals other than the known writings of Howard
13 Hughes were drawn; is that correct?

14 A No, I'm sorry if I caused you to misunderstand.
15 What I was saying is that the primary reason no determination
16 could be made whether any of those persons prepared the will
17 was because of the nature of the writings on the will itself;
18 that is, the questioned writings were not the normal writings
19 of the individual. I had no reason to believe any of the
20 exemplars were ^{other than by} the normal writings of the persons.

21 Q I was confused then. I understand.

22 So, your report then indicates you just could not
23 tell from the exemplars prepared by individuals other than the
24 known writings of Howard Hughes, whether they wrote the will?

25 A That's right. I could neither identify nor
26 eliminate any of those as having prepared those questioned
27 writings.

28 Q Now, in preparation of your reports did you have any

1 notes that you worked on before you prepared the written report?

2 A Yes, I do.

3 Q May I see those, please?

4 A (Handing.)

5 Q Are these the sum total of your notes you prepared?

6 A Yes, I believe they are.

7 Q May we mark these as an exhibit?

8 A Yes, if I can have them back.

9 Q Right. We'll mark these.

10 (The documents referred to were marked

11 by the notary public as Proponent's Exhibits

12 9-a through m for identification.)

13 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand you
14 a document which has been identified as an Eckersley memo and
15 ask you if you have ever seen this memo?

16 MR. MENCHETTI: You're showing a photocopy?

17 MR. BLUMENFELD: Xerox copy of what has been often
18 described as an Eckersley memo in the special administrator's
19 report, submitted to the Court on the search of the will.

20 THE WITNESS: I don't recall ever seeing this document
21 before but, again, in all honesty, with more than 100 pages or
22 so, I cannot specifically remember seeing it. It doesn't look
23 familiar to me.

24 MR. BLUMENFELD: Let's mark this Lile Exhibit 10-a
25 through h. There are eight pages.

26 (The document referred to was marked by
27 the notary public as Proponent's Exhibit
28 10-a through h for identification.)

1 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand
2 you Exhibit Lile 10 a through h and also a photocopy of a --
3 I'm sorry, a photograph of the document. Will you please tell
4 me whether that Lile 10 is a photocopy of that photograph I've
5 just handed you?

6 A It would appear to be, yes.

7 MR. FREESE: Did you call that the Eckersley memo?

8 MR. BLUMENFELD: Yes.

9 MR. FREESE: Referred throughout the deposition as that,
10 I believe.

11 Q BY MR. BLUMENFELD: Mr. Lile, do you have a photo-
12 graph of the three-page will in your possession?

13 A Yes, I do.

14 Q Will you take out that photograph, just for
15 reference purposes only?

16 Now, will you take your time in examining both the
17 three-page will and the Eckersley memo, this Lile Exhibit 10,
18 and tell me whether the same person wrote those two documents?

19 MR. MENCHETTI: At this time I'm going to object to the
20 question of Counsel strictly on the grounds he's here to attest
21 what he did; he's not here to act as expert in a civil proceed-
22 ing. We have brought him forward to testify as to what he did
23 for the State of Nevada in pursuance to our criminal investiga-
24 tion. I don't think he's authorized by law, number one, to
25 conduct tests for civil proceedings; and, if you would like,
26 I'll spend a moment with my client before going any further.
27 Is that satisfactory?

28 MR. BLUMENFELD: That is fine.

1 MR. FRIESE: Please just note the reason we're off the
2 record.

3 (Witness consults with Mr. Menchetti.)

4 MR. MENCHETTI: I've just conferred with my client and
5 he indicates that my objection is in fact his understanding of
6 his duties in being allowed to come here and report only as to
7 investigations which he did in fact do, pursuant to a request
8 of the Attorney General re Criminal Investigation. He's not
9 authorized to provide any kind of expert examination to anyone
10 outside of government agencies. So, from that standpoint, we
11 have to object to the question.

12 MR. BLUMENFELD: Well, Mr. Menchetti, one thing I would
13 like to know: are you representing him?

14 MR. MENCHETTI: I'm representing his interests and the
15 interests of the State of Nevada because, without --

16 MR. BLUMENFELD: Well --

17 MR. MENCHETTI: Let me explain, perhaps, for the record.

18 The FBI cooperated with our office pursuant to our
19 request in a criminal case. We, in accordance with an agreement
20 with the Court, agreed to have these people and not object to
21 their appearing, and they have agreed to appear voluntarily to
22 reveal to the Court and to the parties in this litigation what
23 their tests in fact revealed, the results of their examinations.
24 We made all these results of their examinations available. So,
25 I'm here in fact to present the State of Nevada's view and to
26 assist the witness from the standpoint he's here voluntarily
27 and doesn't have counsel.

28 MR. BLUMENFELD: Are you aware, Mr. Menchetti, I made an

1 independent arrangement with the supervisors of Mr. Lile and
2 Mr. Ferguson for their appearance and testimony?

3 MR. MENCHETTI: I appreciate the fact you made an
4 independent arrangement.

5 MR. LILIENSTERN: I presume, if you were going to perform
6 any further examinations you would want to have some equipment.
7 I don't think Mr. Lile is going to make any comparison right
8 here and now.

9 THE WITNESS: I don't know of any competent ~~hand-~~ hand-
10 writing examiner who would sit down in two, three minutes out-
11 side of his own laboratory and dash off the results of a hand-
12 writing comparison.

13 Q BY MR. BLUMENFELD: What if you would have two
14 hours to do that?

15 THE WITNESS: Again, I can't say. I have no equipment,
16 can't say the length of time. It varies considerably from one
17 set of writings. Some require very low time for examination
18 and comparison; others an extensive period of time.

19 MR. FREESE: I'll object to the suggestion you made you
20 sort of hired him.

21 MR. BLUMENFELD: No, I didn't make that suggestion.

22 MR. MENCHETTI: There's no problem. He's not going to do
23 any tests. You can pursue --

24 THE WITNESS: I explained this to you when you advised
25 Mr. Rhoden was going to be in Washington, he would like me to
26 examine the documents while he was there. I explained to you
27 I'm not authorized, as an employee of the FBI, which is a
28 Federal law enforcement agency, to conduct examinations for any

1 agency except duly constituted law enforcement agencies and in
2 any matters except criminal, unless the United States govern-
3 ment is a party at issue.

4 Q BY MR. BLUMENFELD: I see. That's right; you did
5 so advise me.

6 A Yes.

7 Q But now, with that in mind, would that also include,
8 in your opinion, making an analysis of the Eckersley memo at
9 the present time?

10 A Under the circumstances, yes, it would.

11 Q And it would be independent of the amount of time
12 available?

13 A Well, the amount of time available or the equipment
14 necessary would be a completely different set of issues and
15 considerations.

16 Q All right. You prepared a report on your analysis,
17 your handwriting analysis of the three-page will?

18 A That's correct.

19 Q And what was your conclusion?

20 A That the three-page will and the inner envelope,
21 that is, the writings on them, were not prepared by Howard R.
22 Hughes, but that instead those writings represent a very poor
23 attempt to copy or simulate the writings of Howard R. Hughes;
24 and that no determination could be made as to who the actual
25 author was.

26 Q Now, in reaching that conclusion, you conducted
27 certain types of tests and certain kinds of comparisons. You

1 correct?

2 A That's correct.

3 Q Now, were there any exemplars that you considered more
4 important to you than any others in your comparison?

5 A Well, I don't know how to define the term, "important."
6 I would attach greater significance to documents that
7 bore approximately the same date as the will in reaching a
8 positive determination that he did not prepare the will and the
9 inner envelope. As a matter of fact, the large number of
10 exemplars that I had did give me, as a document examiner, the
11 unique advantage of being able to see an evolution in the
12 writings of a single individual. I studied the writings
13 throughout, in an attempt to try to, if possible, chronologically
14 establish whether the writings in the will most closely
15 resembled any particular groups of those exemplar writings, the
16 idea being that it ^{could be} would be possible that one of those
17 exemplar writings, or others, served as the model for the
18 person or persons who did the copying or simulating; but it was
19 not possible to determine which of those documents served as
20 the model.

21 Q Did you determine that those documents, exemplars
22 that you used, could have served as the model?

23 A Well, I would say that could have is a pretty broad
24 term; but, yes, I would say any of them could have served as
25 the model. It was not possible to state any one of them did.

26 Q As I understand, in other words, what you're saying
27 is that everything in the will could have been in fact
28 referred to in some of the exemplars for a model?

1 MR. FREESE: I object. That's a misleading statement of
2 what he said. It's misleading, indefinite, confusing --

3 MR. LILIENSTERN: Inaccurate.

4 MR. FREESE: -- and inaccurate.

5 MR. BLUMENFELD: That's the objection; you can still
6 answer it.

7 THE WITNESS: If you could rephrase it.

8 Q BY MR. BLUMENFELD: You used certain exemplars for
9 comparison?

10 A ¹⁴ Voluminous quantity.

11 Q And, taking all the exemplars together, is it your
12 opinion those exemplars could have been used as a model for the
13 three-page will?

14 MR. FREESE: Again, I'm going to object as indefinite,
15 compound. Implicitly, are you speaking collectively,
16 individually?

17 MR. BLUMENFELD: All together.

18 THE WITNESS: I believe any particular portion, or almost
19 any particular portion, could have served as the model in the
20 broadest sense of the word. It does not preclude that other
21 original writings of Howard R. Hughes served as the model.

22 Q BY MR. BLUMENFELD: In terms of the exemplars would
23 you say you placed more importance on than others which were
24 the same time as the writings of the will, at least the date --

25 A Date of the will, yes.

26 Q -- which exemplars are these you're referring to?

27 MR. FREESE: Again, you're incorporating your terminology.
28 The witness expressly repudiated the word important. He talked

1 about significance in terms of time. I object on the ground
2 it's an improper characterization of the witness's testimony.

3 Q BY MR. BLUMENFELD: You may answer the question.

4 A The documents bearing approximately the same date
5 as the date on the will would have greater significance for a
6 document examiner in comparing them than other documents; but
7 they, alone, would not be sufficient to explain the normal
8 handwriting variations that a person does put into their
9 writings over a long period of time and, for that period, it
10 was necessary to use a large number of exemplars. Even those,
11 these particular ones, were more significant than others.

12 Q Which of the exemplars were more significant to you?

13 A Those exemplars which are identified as K5. For
14 the most part, they consist of sheets of paper bearing writings
15 beginning, "Bob," and they contain pencil notations.

16 MR. LILIENTERN: For the sake of accuracy, can you --

17 THE WITNESS: K5 is described as nine sheets of ruled
18 yellow paper, each bearing the known writings of Howard R.
19 Hughes and further described as follows: first page dated
20 3/16/68, beginning --

21 MR. MENCHETTI: Do we need to go through all the report?
22 You have it as your exhibit 4; that is, it would be page 4-a,
23 b, c -- it would be 4-c; would give you the list that he is now
24 reading.

25 MR. BLUMENFELD: I'm trying to find out which documents
26 were more significant, and I don't -- we don't have to go
27 through it too extensively. I want some idea of what documents
28 you considered more significantly. K5 will refer to the report.

1 MR. MENCHETTI: On Exhibit 4-c.

2 MR. BLUMENFELD: Okay, if you will then refer to them by
3 letter number. If I can have that document, Okay, so I can see
4 what he's referring to.

5 MR. LILIENTERN: Yes.

6 THE WITNESS: These documents were of greater signifi-
7 cance because the date or dates involved, in essence, span, or
8 roughly coincide, with the date on the will as an indication
9 to what the level of that particular person's writings were at
10 that particular time.

11 Q BY MR. BLUMENFELD: Any others? Any more
12 significance?

13 A And there are others. I attached, again, not more
14 importance, but more significance, to the "Dear Chester and
15 Bill" letter, K11, inasmuch as it had been reproduced publicly
16 in Life Magazine and could logically have served as a model. I,
17 again, examined that particular document rather closely -- and
18 various portions of the others. The exact ones I can't recall.

19 Q I believe earlier you were testifying as to the
20 evolution of someone's handwriting?

21 A Perhaps "evolution" was too drastic a term. A person's
22 -- some persons' writings will change slightly in some forms
23 over a span of years. Other persons, conversely, their writings
24 remain unchanged for some years. Some persons' writings change
25 drastically in a short period of time.

26 Q Did you make a test to determine whether Howard
27 Hughes' handwriting had changed over his lifetime?

28 A I noticed some particular letter formations and

1 characteristics did change as time progressed, yes.

2 Q Will you tell us what that change was and during
3 what period of time? If you want to refer to anything you have,
4 again.

5 A Again, as I recall, the writings generally are
6 consistent. The writings beginning -- and, again, it isn't
7 possible to give an exact time, but generally around 1970 --
8 and the writings thereafter showed a progressive tendency to
9 have line breaks, separate letters one from the following
10 letter, a difference in the attention to the base line of
11 writings as a base reference point in putting the words on the
12 paper. Letters in particular, such as the small letter p. The
13 small letter p consistently, prior to approximately 1970, was
14 almost always connected to the following letter.

15 MR. MENCHETTI: What --

16 THE WITNESS: Small letter p was almost consistently
17 connected to the following letter prior to the 1970 writings
18 or thereabouts. Thereafter, there was an increasing tendency
19 to not only separate the two letter p's when appearing as
20 double letters in a word, but also to break after the second
21 p; but the general tendency was to connect the small letter p
22 with the following letter. The same was true in the letter
23 combination of i-n-g at the end of words. He rather
24 consistently connected, that is, i-n-g all together prior to,
25 say, 1970. The writings thereafter, there was a progressive
26 tendency to sometimes break between the small n and the g and
27 break quite often between the letter i and the preceding word,
28 the preceding letter, rather.

1 Other than those, those were the primary things I
2 observed in the writings of evolutionary nature.

3 Q Do you have any opinion as to the reason for that
4 change or those changes?

5 A No, that would be beyond my area of expertise.

6 Q You say beyond your area of expertise; are you
7 indicating this could be due to illness?

8 A There are many things it could be due to and,
9 therefore, since it is not possible for me to say what they are,
10 then I don't consider myself qualified to comment on it.

11 Q Well, do you know of any illness that could cause
12 a change in writings, such as the ones you've described?

13 A Well, again, the variation from one person to
14 another and how they react to illness or physical disability
15 varies so considerably, I don't think any real generalities
16 can be made. There have been many studies and papers written
17 and, in essence, it boils down to anything that affects the
18 mental and muscular coordination that goes into writings will,
19 in some instances, at times, affect the writings; but the same
20 individual perhaps could, with only a slightly different frame
21 of mind, often after a good night's rest, perhaps not do the
22 same things in the writings as the day before. There are too
23 many variables involved.

24 Q Well, these reports and papers and studies, could
25 you give us some of the names of these papers and studies made?

26 A They would be fairly numerous. I recall one that
27 was done on the writings of aphasiacs, persons suffering from
28 aphasia; writings performed by persons who were intoxicated.

1 These are topics people in the fields write papers on. There
2 are a lot. Most of them say pretty much the same thing. There
3 are a large number of things that can affect their mental,
4 muscular coordination and they'll vary considerably from one
5 person to another.

6 Q But you could not, of your own knowledge and
7 expertise, make a determination as to whether a person that has
8 written a certain document you are looking at was affected by
9 a particular illness or disease?

10 A Diagnosis based on the writings? No, I could not
11 do that.

12 Q Well, if you were to look at a particular writing
13 and were comparing it to an exemplar, if that writing of the
14 questioned document you were looking at was different, you could
15 not tell, of your own knowledge and expertise, whether that
16 person was affected by a disease or illness which would change
17 his handwriting, could you?

18 A Again, I'm not sure I follow you in that. There are
19 some instances that I have seen and writings I have examined
20 where it was very obvious that the person had something wrong
21 with them, that he was either totally inebriated or under the
22 influence of narcotics because his writings were reduced to a
23 scrawl. In those instances, yes, I'd say they could be. In
24 other instances, no; it's not always possible.

25 Q So, there could be changes affected by an illness
26 or disease that you could not -- you, personally -- could not
27 tell whether the person who wrote the questioned documents is
28 the same person who wrote the exemplars; is that correct?

1 A I don't think it would be -- always be possible to
2 tell whether the person was suffering from a particular illness
3 by examining the writings, no.

4 Q Let me rephrase it: Is it possible you could be
5 looking at the questioned document and comparing it to an
6 exemplar and reach a conclusion that a different person wrote
7 the questioned document, but yet it may have been the same
8 person suffering from some of these diseases or illnesses to
9 affect his handwriting?

10 A No, I don't think an examination of that type would
11 result in a conclusive erroneous report. I would say more
12 likely it would result in an inconclusive finding because,
13 again, from experience, some handwriting characteristics in
14 common will stay in that person's writings regardless of the
15 effects and influences on him. I've seen this many times and
16 most papers written bear this out. There will be some changes
17 -- perhaps a lot of changes -- but there will still be many
18 strong similarities in those writings so a positive, erroneous,
19 non-identification is highly unlikely. I myself do not believe
20 I could be involved in something of that type, no.

21 Q Do you think it's possible for two experts in the
22 same field as the questioned documents field to reach opposite
23 conclusions on a particular questioned document?

24 MR. LILIENSTERN: I'll object to the question as being
25 too general and calling for speculation on the part of the
26 witness.

27 Q BY MR. BLUMENFELD: That's fine; you may answer.

28 A This has occurred on many occasions. Yes, there is

1 some --

2 Q Each one would have reached a conclusive opinion
3 on the questioned documents?

4 A For various reasons, yes, that is correct.

5 Q Now, Mr. Lile, tell us each and every factor upon
6 which you based your conclusion that Howard R. Hughes did not
7 write the will?

8 A First of all, my examination of the questioned
9 writings revealed every and all of the classic characteristics
10 that are found in ^{copied} copy, or simulated, writings. There were very
11 blunt beginning and ending strokes; the absence of smooth,
12 ^{tapering} tippering lines, no free ^{flowing} flow, even quality, whatsoever to the
13 writings; irregularities in the curving strokes; pen lifts in
14 totally illogical places; retouches in the letters in totally
15 illogical places; the poor quality of connecting strokes
16 between letters. All of these things are the classic
17 characteristics of copied, or simulated, forgeries and they are
18 all present in these writings. This, in itself, led me to the
19 conclusion that these writings are not the normal writings of
20 whoever prepared them.

21 In examining the writings of Howard R. Hughes, the
22 exemplar writings, I found these same basic letter formations
23 in the Hughes writings but found the Hughes writings were
24 typical, normal, free flowing, smooth handwriting, did not
25 demonstrate that collection of characteristics which I have
26 ^{been} known ~~of to be~~ taught, and verified myself ^{to be present in} are copied in or
27 simulated writings. Additionally, I found letter formations
28 present in the letters of the will that were foreign to the

1 writings of Howard R. Hughes, as shown in the exemplars. I
2 found that certain letters, particularly letters which did not
3 appear in the Life Magazine photograph of the "Chester and Bill"
4 letter, those letters varied greatest in format from the
5 writings of Howard Hughes, an indication that the person
6 ^{re} preparing, or the persons preparing, the will did not have at
7 their disposal writings as a model that contained all of the
8 letters that were used in the will -- primarily capital letters,
9 upper case letters.

10 There was a combination of differences noted in the
11 writings when compared to the exemplar writings of Hughes and
12 the classic characteristics of ^{copied or} popular simulated writings that
13 led me to the conclusion, first of all, that those writings are
14 attempts -- poor attempts -- to copy or simulate the writings
15 of Howard R. Hughes and were not prepared by Howard R. Hughes.

16 Q Now, as I understand your earlier testimony, you
17 indicated that originally you had a photocopy of the three-page
18 will; is that correct?

19 A Yes, that's correct.

20 Q And you examined that document?

21 A No, I looked at it.

22 Q You looked at it. . Did you reach a conclusion at
23 that time as to whether the document was written by Howard R.
24 Hughes?

25 A I did not even go into in-depth examination at that
26 time. I waited for the original document.

27 Q I understand that, but did you reach a tentative
28 conclusion at that time?

1 A No, I don't think I did, no tentative conclusion.
2 I don't deal in tentative conclusions; I reach a conclusion or
3 I do not.

4 Q Well, you had the photocopy in your hand, you
5 didn't say in your mind, "This obviously wasn't written by
6 Howard R. Hughes"?

7 MR. MENCHETTI: Objection; asked and answered twice.

8 MR. FREESE: What was the answer? There is a clock
9 ringing in my ear. I can't hear.

10 THE WITNESS: No, I don't recall that thought going
11 through my mind at the time.

12 Q BY MR. BLUMENFELD: Was there ever a time in your
13 examination of the photocopy -- that is, prior to having the
14 original of the will -- that you reached any tentative
15 conclusion as to whether or not Howard Hughes wrote the will?

16 MR. MENCHETTI: Same objection.

17 THE WITNESS: Again, as I stated before, I don't deal in
18 tentative conclusions. I don't recall saying to myself one way
19 or the other ever.

20 Q BY MR. BLUMENFELD: So, are you saying you never
21 reached a tentative conclusion when you looked at the photocopy
22 but not the original of the will?

23 MR. MENCHETTI: Same objection.

24 THE WITNESS: I don't recall looking that closely at the
25 photocopy at all. When I received the documents from the
26 State of Nevada and I opened the package and there were all
27 these very poor photocopies, at that time I reached the
28 conclusion no conclusion could be reached based on those

1 documents. That was when Mr. Greenhalgh was contacted and told
2 he had to get the original document, which he did.

3 Q BY MR. BLUMENFELD: Did you look at the original
4 of the will first?

5 A The original of the will was the one I first looked
6 at closely.

7 Q After looking at this will, did you reach a
8 determination -- the original of the will -- did you reach a
9 determination this had the classic characteristics of a forgery?

10 A After examining it, yes.

11 Q And those are the characteristics you just mentioned
12 the blunt beginnings and endings, no free flowing quality, and
13 so forth?

14 A That's true.

15 Q About how much time did you spend reviewing the
16 original of the will at that stage?

17 A I couldn't give you an exact time range. I would
18 say that that particular phase of the examination probably
19 lasted no more than a couple of hours or so.

20 Q Two hours?

21 A Or so; and, again, it's a very rough estimate.

22 Q Okay. Now, just focus on that two-hour period you
23 reviewed the original of the will. Would you tell me each and
24 every characteristic, other than the characteristics you
25 mentioned, that you determined that this was a classic
26 characteristic of a forgery? You mentioned blunt beginnings
27 and endings, no free flowing, and certain other qualities.
28 Were there any other things you noticed?

1 A Well, again, if I could refer to our notes.

2 Q Certainly. Refer to any of those reports.

3 A Here they are.

4 MR. FRIESE: Off the record?

5 (Discussion off the record.)

6 Q BY MR. BLUMENFELD: I'll state the question and
7 make it more clear. During this two-hour period you were
8 reviewing the original of the will, you reached a determination
9 that it contained the classic characteristics of a forgery.
10 My question is: you mentioned certain characteristics earlier;
11 were there any other characteristics that you noticed at that
12 time?

13 A I don't really remember which ones in particular
14 I mentioned earlier. The classics are well stated in all the
15 books and all the texts, and they are generally borne out in
16 copied or simulated forgeries; that is, poor line quality,
17 illogical retouches, illogical pen lifts and breaks, blunt
18 beginning and ending strokes, poor or lack of smooth flowing
19 quality to the curving strokes, marked differences in the
20 connecting strokes between letters -- that is, a copier or
21 forger attempting to copy writings will be so attentive to the
22 formations of the individual letters that they tend to relax on
23 the strokes that connect the letters together, whereas the
24 connecting strokes are themselves good, habitual characteristics
25 of a normal writer. Those, and others -- and, again, if I were
26 asked to sit down five times and catalog, I might leave one out
27 and add one more in each instance.

28 Q So, at this point, if I understand your analysis of

1 the will, two hours, thereabouts, you concluded that the will
2 was a forgery?

3 A That it was copied or simulated; that is correct.

4 Q I see. Okay, and then what was your next step?

5 A Next step was to look for the individual formations,
6 letter formations; that is, in the questioned writings, in the
7 will, that were foreign, different from the same letter
8 formations in the writings of Howard Hughes.

9 Q Why was this necessary?

10 A It was necessary, again, in attempting to try to
11 determine which, if any, of the exemplar writings served as
12 the model.

13 Q I see. Let me just understand this thing: You
14 determined by looking at the original, it was a forgery and your
15 purpose at looking at exemplars was to see which ones served
16 as model for the forgery?

17 A No, I'm sorry. The examination of the will was
18 looking for the presence or absence of characteristics
19 indicating that it was a ^{copy} or simulated forgery, and the
20 examination of the exemplar writings occurred at or about the
21 same time, that is, that the documents were side by side, and
22 the examination was made by skipping back and forth between the
23 two documents. It isn't a matter of just sitting down and
24 looking at all of one document and looking at all of the other
25 document. Some time is spent on each document; that is, a
26 little bit of time is devoted to the questioned and genuine and
27 you go back and forth at the same time.

28 Q Let's go back to your two-hour period; did you at

1 any time look at the original and the exemplars?

2 A I began by looking at the original of the will and
3 I looked at the original of the will again. I gave me the
4 general figure of two hours just going through cataloging this
5 and that and the other thing, blunt ending strokes, the breaks
6 in the letters, illogical retouches, all this sort of thing;
7 and then, towards the end of that period -- there was no clean
8 break when I switched over to the exemplar writings -- I went
9 into that and continued the inter-comparison between the two.

10 Q But when you finished the first review of the will,
11 at that time you determined it was a forgery?

12 A ^{Capital J}
~~Copy,~~ or simulated forgeries; that is correct.

13 Q Now, you indicated that there were certain letters
14 in the will which were foreign to Hughes' writing?

15 A The formations were different; that is correct.

16 Q Will you tell me which ones you were referring to?

17 A Capital letter E; capital letter J; portions of the
18 capital letter O; capital letter p; portions of the capital
19 letter S's; portions^{of} of the capital letter U; portions of the
20 capital letter V; and portions of the capital letter W.

21 Q Anything else that you noticed that was foreign?

22 A This was the mere formation of the letters, the
23 individual small differences that will result from a person
24 trying to copy the writing. These were the letters formed
25 differently, that is, as if the person preparing the will did
26 not have a model of those particular letters to look at at the
27 time they were made.

28 Q Now, can you tell me, with respect to the capital

1 letters in the portions of the capital letters you just
2 referred to, how they were different?

3 A My notes show that the capital letter E, the lower
4 loop is different; that is, the angle is different and the
5 curving portion of it is different.

6 On the capital letter J, the initial stroke on the
7 upper portion of the J and the portion of the upper part of the
8 J where the line curves or returns back downwards; the general
9 oval formation of the capital letter O's, the O is elongated
10 in a different fashion; the shape and configuration of the round
11 portion on the capital letter P, as well as the angle at which
12 that line crosses the vertical stroke; the formation of the
13 upper right portion of the capital letter S, as well as the
14 looping formation at the end of the letter S; the angular
15 nature of the upper left area and the lower left area of the
16 letter U; the formation of the initial curving stroke in the
17 letter V -- that is, the upper case V; and the angular direction,
18 that is, the lower left portion of the letter V and the upper
19 case letter W. The lower left rounded portion is shaped
20 differently, as well as the stroke between the two round
21 portions, which is considerably lower than the writings of
22 Hughes.

23 Q Were there any others that you found that were
24 foreign to the exemplars or known writings?

25 A Those are the only ones I have in my notes for the
26 entire -- where the entire formation was different. Other
27 letters varied slightly in portions.

28 Q So, if I understand you, with respect to the letters

1 you just mentioned, the capitals and portions of the letters,
2 you found no letters similarly written in the exemplars?

3 A No, they were in portions of the exemplars; these
4 were the letters not in the "Chester and Bill" letter in the
5 Life Magazine. They were the ones that varied most in the
6 questioned writings from the exemplar writings. I don't know
7 if I'm making myself clear.

8 My attempt was to determine: was this publicly
9 available photograph of the "Chester and Bill" letter the model
10 for the will itself?

11 In examining the "Chester and Bill" letter, I
12 noticed, and again in cataloging, certain letters did not
13 appear in that photograph.

14 Q That is these letters you mentioned?

15 A Many of these same letters were the ones that
16 varied most dramatically from the exemplar writings of Howard
17 Hughes.

18 Q Let me ask you a question; maybe we can work out
19 an agreement. Do I understand you to say that the letters,
20 capital letters, and portions of the capital letters you just
21 mentioned that you found none of the letters similarly written
22 in the exemplars that were written in the will?

23 A Those are the ones that varied most dramatically
24 between the exemplar and the questioned writings, yes.

25 Q But -- let me rephrase --

26 A The letters themselves are there for comparison.
27 There are P's in the questioned writings and there are P's in
28 the exemplar writings, and they are there for comparison; but

1 the letters that I have listed there are the ones that varied
2 most dramatically in their shape between questioned and
3 genuine.

4 Q Did you find any capital P in the exemplar or any
5 of the exemplars that did not vary from a capital P in the will?

6 MR. MENCHETTI: If you want to review those exemplars,
7 you're sure allowed to do so.

8 THE WITNESS: They are so lengthy. Again, my notes
9 reflect I picked out these particular letters. Since I did
10 pick those particular letters, it would indicate to me that
11 this formation that appeared in the will was a characteristic
12 different formation than the range of variation of that same
13 letter in the exemplar writings.

14 Q BY MR. BLUMENFELD: That is what I'm trying to get
15 at; didn't know how to go about it.

16 A Didn't know how to answer the question either.

17 Q That would be true with respect to all of the
18 capital letters you mentioned right now?

19 A Yes.

20 Q Now, were there any other differences in letters in
21 the will that you noticed as compared to the exemplars, similar
22 letters in the exemplars?

23 A Do you want to catalog them again?

24 Q Yes, please.

25 A They varied from one place to another in which they
26 appeared in each document. In the three-page will the same
27 letter will appear many times. The same letter, although
28 written very, very similarly, in each instance in the will,

1 which again is a good indication a single model was used, will
 2 vary a little bit; that is, as a general example, a small letter
 3 t in one place in the will might be slightly different from
 4 another small letter t in the will but in both instances differ
 5 from the --

6 Q You found --

7 A -- several --

8 Q -- as far as the small letter t --

9 A No, no. The t was just chosen as a hypothetical
 10 example. I'm not talking about the letter t.

11 Q I would like to go through the letters you did
 12 notice that were different.

13 A Beginning with the inner envelope, the formation
 14 in the word dear, the formation of the final letter r varies
 15 considerably from the exemplars and the word mister.

16 Q Would you tell us how it differs, as you go through
 17 them?

18 A It differs in that the shoulders are very squared
 19 and the upper left peak is higher than the right shoulder.

20 Q That's on the envelope as compared to the --

21 A To the exemplars.

22 Q Okay.

23 A The upper case M in Mr. -- in fact, the upper case
 24 M's ^{are} fairly consistently ^{by} throughout the will and the envelope,
 25 the bottom portions form a slanting angle, that is, from upper
 26 left to lower right, whereas they are rather consistently level
 27 in exemplar writings -- no, I'm sorry; I reversed myself. It
 28 was the exemplar M's ^{that} are written at a slight angle to the right.

1 from upper left to lower right, whereas the questioned M's,
2 the ones in the will and the ones on the inner envelope, are
3 rather level across the bottom.

4 MR. MENCHETTI: The record should reflect the witness's
5 referring to his notes, which are marked Exhibit 9a through m,
6 in answering those questions.

7 MR. BLUMENFELD: Fine; and it also should be noted the
8 witness can refer to anything he wants to in answering the
9 questions. You're not restricted, except by notes.

10 THE WITNESS: I found that the lower right portion of the
11 small letter g is different considerably.

12 As I previously stated, the small letter p's --

13 Q Going back to the small letter g, how did it differ?

14 A The line forming the final portion of the letter
15 dropped almost vertically to the base line of writing.

16 The small letter p, as I stated before, is always
17 disconnected from the following letter.

18 Q Now, when you say letter p, what are you referring
19 to?

20 A Small --

21 Q Exemplar or --

22 A The questioned. I'm talking entirely about the
23 questioned in comparing with the exemplars.

24 The questioned writings consistently, the upper
25 portions of the letter a's have the small oval loop, whereas in
26 the exemplar writings there was considerable variation; the loop
27 was not always present.

28 In the lower case h, the lower case h's are

1 considerably more angular, lower right portions than in the
2 exemplar writings.

3 The relative height of the upper staff of the small
4 letter d varies considerably from the exemplar writings.

5 On the upper case C, the shape and configuration of
6 the loop at the upper portion varies considerably from the
7 exemplars.

8 In the questioned writings the final letter t has
9 been made to have the appearance of being rapidly drawn; that
10 is, that the t crosses across without the writer having lifted
11 the pen from the paper. In fact, a close examination will show
12 there are numerous retouches in that area. The angles resulting
13 are not conducive to a rapid single stroke crossing. This was
14 also noted in the words such as the word to -- t-o -- that ends
15 in o. The final stroke on the o was made to have the appearance,
16 through rapidity, of being connected to the cross stroke on the
17 t. There are actually pen lifts and retouches in those portions;
18 also irregularities in the quality of the lines.

19 I noticed a general pattern of misspellings both in
20 the questioned and in the exemplars. However, perhaps of
21 significance in the questioned writings the word Vegas is
22 misspelled -- V-a-g-a-s; and, again, the two a's have the same
23 consistent, rounded loops at the tops, whereas in the exemplar
24 writings there is no true consistency in those loops.

25 The capital letter M, lower left portion, is
26 exaggerated and considerably longer than the same portion in
27 the exemplar writings.

28 The connecting strokes between the e and the v in

1 words such as Nevada has a different formation than the
2 exemplar writings.

3 Q How is that different?

4 A Differs in that it is much more rounded in the
5 questioned writings as it rises back into a full curving motion.

6 Various h's in the signature, Howard B. Hughes, the
7 initial portions of the capital letter, that is, the first loop,
8 the configuration is different. It is not the same shape as
9 the corresponding portion of the exemplar writings.

10 Q What is the difference in the configuration of the
11 loop?

12 A The configuration is that the loops are more
13 flattened out in the questioned writings, and they are rather
14 consistent.

15 In the exemplar, that particular portion of the
16 letter h varies considerably from one signature to another.
17 You see none of that variation in the signatures on the inner
18 envelope and the three-page will. The letter h, in some
19 instances also, the curving stroke, that is, the first down-
20 ward stroke, the vertical stroke, the curve is much too shallow.
21 The curve is considerably deeper, it is more concave, on the
22 exemplar writings.

23 On the lower case g, the lower case g's in the
24 exemplar writings, the upper portion is too consistent; that is,
25 it is always shaped in the same fashion whereas there is
26 considerable variation in the way it's shaped in the exemplar
27 writings.
28

1 The small letter p's again: small letter p's in
2 the questioned writings are always two strokes, one downward
3 stroke and one curving stroke, to finish the letter. In
4 the exemplar writings, particularly in the roughly 1900
5 exemplar writings, frequently the p is connected and is
6 not two strokes, as well as being connected to the following
7 letter.

8 As I mentioned before⁴, the small letters i-n-g
9 combinations, in the questioned writings, the i and the
10 n are always separated from the g; whereas in the exemplar
11 writings, they are more often connected rather than dis-
12 connected, particularly in the pre-1970 writings.

13 In many instances, the ending stroke on the
14 small letter d ends in the wrong direction; that is, in
15 many instances it ends almost directly downward rather than
16 having any curve to it. In the exemplar writings, frequently
17 it has a curve to the small letter d when it comes to the
18 end of the word.

19 Most of the connecting strokes between the
20 letters have the wrong shape. Sometimes there is no
21 particular pattern to them. Sometimes they are, the curve,
22 is too shallow; sometimes it is too angular. It doesn't
23 have the same configuration that the corresponding
24 connecting strokes in the exemplars have, and these are
25 the strokes between almost any two letters in the questioned
26 writings.

27 Q Would that be the extent of the factors you relied
28 on in reaching your conclusion?

1 A After finding ^{these} ~~this~~ many significant differences,
2 I had made my own mind up they were not -- that the questioned
3 writings were not prepared by Howard R. Hughes.

4 Q Of course, you made up your mind after looking at
5 the original of the will?

6 A The original of the will itself and comparing it
7 with the exemplars.

8 Q You made up your mind by comparing --

9 A It.

10 MR. FREESE: I don't think it was responsive. I think
11 you were speaking too rapidly. I move to strike his answer.
12 I believe it's non-responsive.

13 THE WITNESS: I must have misunderstood the question.

14 Q BY MR. BLUMENFELD: When you were looking at the
15 original of the will that we were talking about the first two
16 hours, you had at that point, after two hours, concluded, or
17 shortly after you looked at the original of the will, you
18 concluded that it contained the classic characteristics of a
19 forgery and was in fact a forgery?

20 A That's correct.

21 MR. BLUMENFELD: Now, Paul, I think we're going to have a
22 problem if we don't mark these exhibits. We'll have to break
23 and mark these exhibits; break for lunch and come back. We have
24 too many exhibits that have not been marked.

25 MR. FREESE: We have to introduce and mark some of these
26 exhibits now. The Voluntary Statement, which exhibit number is
27 that?

28 MR. MENCHETTI: 2a through f.

1 MR. BLUMENFELD: Let's mark these.

2 (Three documents were marked by the notary
3 public as Proponent's Exhibits 6, 7, and
4 for identification.)

5 (Lunch recess.)
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1 JULY 8, 1977, 2:00 P.M.

2 (Documents were marked by the notary
3 public as Proponent's Exhibits 11a through
4 11eeee, with 11yy omitted, for identification.)

5 MR. BLUMENFELD: Back on the record.

6 Q BY MR. BLUMENFELD: Mr. Lile, I'm going to hand you
7 the exhibits which have been marked by the reporter 11a through
8 11eeee, with 11yy omitted, and ask you if these are photocopies
9 of the exemplars you used in your analysis of this case?

10 A It will take me awhile to side-by-side compare with
11 my photographs.

12 MR. LILIENSTERN: Why not go off the record?

13 MR. BLUMENFELD: Okay.

14 (Discussion off the record.)

15 MR. FREESE: On the record.

16 We can stipulate that just before we started
17 resumption of the interrogation the reporter, Ms. Verodi, and I
18 went through the photographs as collected in the file and
19 produced by Mr. Lile. We determined that your secretary,
20 Mr. Blumenfeld, made a photocopy of each of those photographs.
21 We further determined that each photograph was matched by a
22 photocopy, and the reporter was instructed to put a letter
23 designation in the lower right-hand corner, starting with 11a,
24 and it has been done.

25 MR. MENCHETTI: What is the last one?

26 MR. FREESE: 11 with four small e's. We can jointly
27 represent and have verified it is the reproduction of the
28 collection of exemplars produced in the photographic form; that

1 is, produced here by Mr. Lile.

2 MR. BLUMENFELD: With one qualification: ll double y.
3 There is no exhibit ll double y.

4 MR. FREESE: Was that a clerical error?

5 THE REPORTER: Yes, sir.

6 MR. MENCHETTI: With that statement, I think the witness,
7 relying on Mr. Freese's representation --

8 MR. FREESE: And the reporter's.

9 MR. MENCHETTI: -- and the reporter's, will so stipulate.

10 Q BY MR. BLUMENFELD: Now, Mr. Lile, in the exemplars
11 that you have here, I showed you an exhibit, which was called
12 the Eckersley memo, and that is Exhibit 10, would you tell us
13 whether, contained in your exemplars, you have that Exhibit
14 Number 10?

15 MR. FREESE: Can we all take a minute?

16 MR. BLUMENFELD: Off the record.

17 (Discussion off the record.)

18 THE WITNESS: I don't remember this one; no, I don't.

19 Q BY MR. BLUMENFELD: Now, were there any other
20 documents that you reviewed, other than the documents that were
21 contained in your file which were photocopies designated 11a
22 to 11eee that you reviewed in this case?

23 A To the best of my knowledge, everything that I saw
24 was photographed and contained in that folder: the laboratory
25 report, the earliest list, all the exemplar items I have. It's
26 my belief that photographs of all those items are in that
27 folder, yes.

28 Q Do we have a copy of that report?

1 A Yes, that's the earliest dated report.

2 Q Now, just before lunch you indicated that you
3 noticed a general pattern of misspelling in both the will and
4 the exemplars?

5 A Yes, that's correct.

6 Q Did these misspellings have, in your mind, any
7 significance in your conclusion that the will was not written
8 by Howard Hughes?

9 A No, it was merely an observation.

10 Q You did notice the word Vagas was misspelled?

11 A Yes.

12 Q Was that significant?

13 A Not on the determination based on the handwriting.
14 It had a curiosity type significance; no bearing on the findings.

15 Q Did you review the contents of the will, aside from
16 the handwriting?

17 A As a matter of fact, I don't believe I ever actually
18 sat down and read through the entire will. I've looked at it
19 letter by letter, word by word but not actually sat down and
20 read the entire will.

21 Q Did the contents have any significance to you, that
22 you did read?

23 A That came to mind, no. As I said, I don't recall
24 reading the entire will; but the parts I can recall, no, sir.

25 Q Now, in the will you indicated earlier that you
26 noticed classic characteristics of a forgery when you reviewed
27 the will, the original of the will?

28 A ^{ANY} ~~the~~ simulated, or copied, ^{is} forgery; that is correct.

1 Q Is that different than classic characteristics?

2 A There are many different types of forgeries. This
3 is merely one type of forgery.

4 Q Did you notice any tremblings in the will, some-
5 times called tremors?

6 A Not in the way that I have seen them in other
7 writings; that is, the writings of the extremely infirm or
8 elderly or, as I said before, persons that are under the
9 influence of alcohol or drugs. Perhaps not that type of tremor.
10 I recall the wavering of line tremor in portions of the
11 writings where they are usually found in copied or simulated
12 forgeries -- that is, in the round curved letters and in the
13 connecting strokes; but they are more along the lines of being
14 poor-line quality rather than just tremor, hand tremor.

15 Q Are you saying that the only tremor that you noticed
16 was in the round curve of the letters?

17 A No, I'm saying that I didn't notice any particular
18 portions of those writings that I would characterize as being
19 the result of tremor. I saw poor-line quality; and, by poor-line
20 quality, I mean they lack a smooth flowing formation, as normal
21 writings do, and they appeared in those round curved areas where
22 you would expect them.

23 Q Maybe you should define tremor. How would you
24 define tremor?

25 A Tremor, as I've encountered in the extremely elderly
26 or infirm, are usually pretty much uniform throughout the
27 writings and are not limited to any particular portions of the
28 writings; that is, the tremor could be on a vertical stroke as

1 well as on rounded strokes. In this particular instance, the
2 poor-line quality occurred in the rounded strokes and the
3 connecting strokes almost exclusively.

4 Q Are you saying poor-line as you described it is a
5 substitute for the word tremor or --

6 A Poor-line tremor is the result of slowly drawing a
7 writing instrument down the writing page instead of writing
8 smoothly and flowing. Moving slowly -- by moving slowly, the
9 line tends to waver, and wavering is differentiated from a hand
10 tremor in most instances.

11 Q I see. So that wavering is what you're talking
12 about, and that was at the rounded part of the letters?

13 A Primarily.

14 Q And the connections of the letters?

15 A Primarily, yes.

16 Q Did you notice any difference between the capital
17 f's of the will and the exemplars that you used?

18 A I'll have to consult my notes.

19 Q Please do.

20 A No, I have no mention in my notes about anything
21 unusual about the letter f -- that is, the upper case f.

22 Q Now, earlier you indicated that hand lifts and
23 retouching occurred in portions of the will. Where did these
24 pen lifts and retouching occur?

25 A They occurred sporadically throughout the entire
26 document. I don't have notes of every instance. I mentioned
27 one earlier as an example. The so-called rapid t-crossing from
28 the final stroke on the word is extended back around to the left

1 and then connects across to form the t-crossing. In several
2 instances, although the line had the appearance of being a
3 rapid-t crossing, in fact the line stopped, pen lifted and
4 reapplied to the paper. The line continued -- in some instances
5 the t had been crossed and then a separate line had been drawn
6 to connect the ending stroke on the o with the t-crossing stroke
7 on the t; and this would be the best, clearest, example of what
8 I'm talking about, but it occurred numerous times throughout
9 the document.

10 Q When you say clear example of what you're talking
11 about, the two different things, pen lifts and retouching, are
12 you saying it's a combination of both?

13 A Yes, a combination of both.

14 Q Were there any other places of significance to you?

15 A Well, every time it occurs it's of significance to
16 me; and the fact I find it repeated over and over and over,
17 finally becomes sufficiently significant I no longer go through
18 and catalog and plot out every single one I find.

19 Q Do your notes, which are Exhibit 9, do they
20 contain indications of where these pen lifts and retouchings
21 occurred?

22 A In some instances, yes.

23 Q But you say you found others you didn't indicate?

24 A Right; I do not -- once I have found a sufficient
25 quantity to satisfy myself, I no longer go through and plot the
26 characteristics out or the pen lifts or the waverings or that
27 sort of thing.

28 Q In your analysis of the exemplars, did you find

1 pen lifts and retouchings?

2 A Yes, pen lifts and retouchings, but in a different
3 fashion.

4 Q How was that different?

5 A Retouchings in normal writings almost always occur
6 in portions of the letters to add legibility and they are not
7 illogical retouching; they are logical. For instance, a person
8 makes a small letter o. Instead of closing the top of the o,
9 they leave it open. Thinking perhaps there will be a misconception
10 ^{that} this will be a letter ^{u, y, o or} you add a stroke to ^{it} to show it's an o.

11 This is logical retouching and you will find that type of
12 retouching in the normal writings of many people. The illogical
13 retouchings are the types I described before: an extra line
14 added to connect an o to the t, ^{yt} retouching to make it appear to
15 be a continuous stroke.

16 Q Did you examine the capital letter d in the will
17 and the exemplars?

18 A I am sure I examined every single letter.

19 Q Did you reach any conclusion with respect to the
20 capital letter d?

21 A In the will?

22 Q In the will and the exemplars?

23 A Along with the rest of the document, I attempted
24 to copy, or simulate, the writing of Howard R. Hughes.

25 Q As to the capital letter d, what was your
26 conclusion with respect to the way it was written as opposed to
27 the exemplars?

28 A I found the capital letter d is one of the letters

1 that varies in the exemplars. That is, some persons will vary
2 considerably in their letter formations; some persons will not.
3 Some persons will vary in the formations of a few letters but
4 not much in others, and the letter d is one of the letters in
5 the exemplars that does show variation.

6 Q Earlier, when you were going through the various
7 letters that you found, comparing them to the will, comparing
8 the will to the exemplars, you did not mention the capital
9 letter d, or else I missed it.

10 A No, I did not.

11 MR. MENCHETTI: That's correct, Counsel. I think his
12 testimony was he was pointing out the most dramatic differences;
13 these were the ones most obvious.

14 MR. BLUMENFELD: The record will show what it was.

15 MR. MENCHETTI: I'm trying to correct what I think was
16 your misconception of his testimony.

17 MR. BLUMENFELD: I'm going to ask him if that's correct;
18 then he can correct me.

19 MR. LILIENTERN: Let me, if I may? Let me interject
20 what I think he was saying. He was talking about --

21 MR. BLUMENFELD: If you don't mind, the record will reflect
22 what he says. I'll ask him the questions. If he wants to
23 correct me, he will.

24 MR. LILIENTERN: Why not ask questions anew rather than
25 characterizing his testimony?

26 Q BY MR. BLUMENFELD: Mr. Lile, earlier you gave us
27 a list, stated a list of letters that you found in the will
28 which were different in terms of configuration to those of the

1 exemplars; is that correct?

2 A Listed and went over several letters that varied
3 considerably; that is, they were foreign formations. They were
4 not the same formation as the corresponding letters in the
5 exemplars. The remaining letters, by their omission, were not
6 totally foreign. They were within the same range and shape,
7 and I did not believe it was necessary to list all of the
8 remaining letters. I did not list or catalog them in my notes
9 for that reason. If they fell within the range of variation of
10 shape that the exemplars showed was the normal variation of that
11 writer, then I did not attach any great significance to any
12 differences in shape because shape was, for the most part, the
13 same.

14 Q I see. So, am I to understand that, except for
15 those letters you did in fact indicate earlier, all other
16 letters in the alphabet that were in the will were similar in
17 shape or came within the variance of configuration of the
18 exemplars?

19 A Yes, that's correct.

20 Q Now, from your testimony, I gather that there was
21 something other than the shape of the letter that was signifi-
22 cant to you in reaching your conclusion?

23 A That's correct.

24 Q Now, what I would like to know is everything that
25 you considered in reaching your conclusion that the will was not
26 written by Howard Hughes?

27 A I believe I then, thereafter, went through several
28 other letters, pointing out differences in formation. Those

1 constituted the types of characteristics I was discussing, the
2 types of characteristics I took into consideration. Again, I
3 did not catalog every single letter in the alphabet but, in
4 each instance, there were slight variations or differences in
5 configuration rather than in formation. By this, I mean that,
6 although, for instance, the -- as an example, hypothetical
7 example, the small letter p, whereas the general configuration
8 perhaps is the same, that is, in some instances it was a two-
9 stroke p, a straight, downward, vertical stroke and then like
10 a reverse small letter c up at the top of it. That is the shape
11 The differences would come in the small particulars; that is,
12 pen lifts as the pen trailed from the paper at the end, or the
13 difference would be in the general roundness to the upper
14 portion or perhaps elongated style; that is, the configuration
15 was different even though the general formation was the same.

16 Q But the configuration, the variation in the
17 configuration, you already told us about that; correct?

18 A We went through several of those, yes.

19 Q Were there any others other than the ones that you
20 have given us that you noticed?

21 A Well, again, I don't catalog all of them. I go
22 through the document, itself; I examine the document; I make
23 such notes to myself to --

24 Q Just one second. It's very, very difficult --

25 A I go through and I catalog and put into my notes
26 the first few that I find. Once I have reached or found a
27 sufficient quantity of them that I have satisfied myself that
28 I have the basis for my conclusion, I no longer catalog them and

1 list them and mark them all down in my work sheets. It's
2 needless and time-consuming. Once the decision is reached,
3 there is no need to make further notes as such. The notes are
4 for a progressive progress at the various stages of the
5 examination up to the time when I reach the conclusion.

6 Q Now, which decision are you referring to? You say
7 once the decision is reached?

8 A Well, depends on what I'm talking about. If I'm
9 talking about the tremor -- not the tremor, the poor-line
10 quality, pen lifts, the characteristics of the simulated
11 forgery, I would go through those characteristics up to a point;
12 then stop. Once I've satisfied myself it is or is not a copied
13 or simulated forgery, when it becomes a matter of identity of
14 the writer or non-identity of the writer, I would begin looking
15 for a different type of characteristic, and that is similarities
16 or differences in configuration or letter formation or relative
17 heights of the letters or connecting strokes of the letters,
18 that sort of thing.

19 Q I see. Now, are you saying that you went through
20 the configuration and shape of various letters in the will
21 compared to the exemplars and reached a point where you said
22 clearly, "this is a forgery; I don't have to do that any more"?

23 A I don't have to go on writing them in my notes; I
24 continued looking at them.

25 Q Can you tell us any other letters, then, that you
26 looked at or recall looking at in your analysis that you reached
27 the same conclusion with respect to?

28 A I thought that's what I did this morning. I went

1 through a long listing of them.

2 Q Those are the only letters?

3 A No, those are the only ones I put down in my notes.
4 By the time I had found that many, I was sufficiently convinced
5 in my own mind there were significant differences between those
6 writings, indicating different authors.

7 Q Now, I don't want to belabor my point. I want it
8 for myself. I want to know whether there was anything else you
9 considered in reaching your conclusion the will was not written
10 by Howard Hughes?

11 A Again, let me go through my notes and let me make
12 sure I'm not omitting something.

13 As my notes show, I noted several things. Some of
14 these things I considered significant, others of no great
15 significance, as far as identity. For instance, my note reflects
16 I saw in the questioned writings -- that is, in the will -- the
17 writer or writers used dashes extensively at the ends of the
18 lines rather than periods; as I mentioned, the discontinued
19 p's; I did note the misspellings.

20 Q But this had no significance?

21 A No great -- the disconnected p had significance;
22 the remainder of them had no great significance to me, at least
23 relating to my findings, that is, my final conclusions.

24 Q You mean the use of the dash instead of a period?

25 A Use of the dash is -- well, I would say it's more
26 along the lines of a habit of a typist. Some typists habitually
27 leave three spaces between the period and the beginning of the
28 next sentence as a matter of ^{training} habit and not as a matter of ^{inconspicuous} habit,

1 ^{as it} As it's been proved in characteristics of writings, some
2 persons this would be a strong habit; others not a strong habit.

3 Based on these limited writings, three pages, I
4 don't know if these dashes are a true habit or not. I don't
5 know if those dashes would be characteristic of the person or
6 persons who actually prepared the will. They are there; I made
7 note of it; I took note of the fact they were there, but as
8 far as attaching significance for identification, or lack of
9 significance to me, it wasn't of great significance, no.

10 Q That is for identification; but did you compare it
11 to the exemplars to see whether or not they were also present
12 in the exemplars?

13 A I looked through the exemplars and found the dashes
14 were not used to the extent they were in the will, yes.

15 Q When you say, "to the extent," you mean on a
16 percentage basis?

17 A In the will almost every line, as I recall, ends
18 with a dash. Occasionally, in the exemplar writings, you will
19 find use of dashes, not to the same degree or extent of --

20 Q But --

21 A Again, I made note of the fact that in the exemplar
22 writings, particularly in the earlier writings, the writer pays
23 particular attention to the straight line of the margin but in
24 some of the other exemplar writings it was less noticeable. To
25 this, I could not attach any strong significance but it was
26 worth noting, whereas in the questioned writings, the will, there
27 wasn't much attention paid to the left margin; that is, it
28 varied considerably. It was not in a straight line as it was in

1 many of the exemplars.

2 I did notice in the upper case letter b -- that is,
3 capital B -- in the questioned document, the writer had a
4 tendency to make the lower loop larger in extending it to the
5 right, whereas in the exemplar the upper loop and lower loop
6 are fairly consistently in a straight line, equal projection to
7 the right-hand side.

8 Other than that, to the best of my recollection and
9 review of my notes, I can think of no other significant
10 influences.

11 Q Now, going back to the capital d for a moment; you
12 did indicate that the capital d in the will was different than
13 the capital d in the exemplar. Can you tell us what those
14 differences were?

15 A Capital d?

16 Q Yes.

17 A I don't believe I said the d was different between
18 the will and the exemplar. I said the capital letter d showed
19 a pretty wide range of variation in the exemplar writings and
20 the same formation in the, or a similar formation, in the will --
21 fall within that range.

22 Q . I see. Okay.

23 Now, you reviewed the original of the will to
24 determine that initially it was or had the classical signs of
25 a forgery -- and correct me if I misstate your testimony; I
26 don't mean to. I just want to get to the question. It contained
27 classical characteristics --

28 A Of a copied or simulated forgery.

1 Q Of a copied or simulated forgery.

2 You looked at the exemplars. Now your purpose in
3 looking at the exemplars was to see if it was a same writer?

4 A To see if there were characteristics in the questioned
5 writings ^{in my} and the will that were not in the range of writings of
6 the writers of the exemplars. That is, there are habitual
7 differences.

8 Q So, your purpose was to see if it was a negative-
9 negative?

10 A One way or the other; consistencies or similarities
11 and differences. It's the presence of differences that
12 constitute a non-identification.

13 Q Why don't you, for purposes of the record, define
14 forgery?

15 A In the broad definition, that is any writings
16 prepared for the purpose of fraud. This would include writings
17 prepared by a person, including their own name, for the purpose
18 of fraud, that is, to later disavow that signature. Even though
19 that signature is written by that person, it is his own name,
20 that could constitute forgery, in my definition.

21 Under that definition, then, a copied or simulated
22 forgery could be prepared by the real person, that is, the
23 actual person for purposes of fraud. This is a thought that is
24 constantly in the minds of questioned document examiners when
25 dealing with copied or simulated writings. We have a term,
26 auto-forgery, and it's for this reason it was important to ^{it} not
27 only first determine that these writings were or were not the
28 normal writings of the person, and I determined they were not.

1 They were copied or a simulated forgery; and, secondly, whether
2 they were or were not prepared by the writer of the exemplars,
3 Howard R. Hughes.

4 MR. MENCHETTI: Does that help you? -- I mean, in the
5 sense of understanding the testimony of the witness?

6 Q BY MR. BLUMENFELD: Now, Mr. Life, will you please
7 tell me the total time that you spent in your examination in
8 reaching your conclusion, and if you can break it down --

9 A I can give you a very rough estimate. First of all,
10 the time was not spent at one sitting; that is, it was not
11 continuous. I had other matters at the same time. In some
12 instances I could perform no examinations but I had to wait for
13 more exemplars before I could perform the remainder of the
14 examinations; so the total examinations stretched out over a
15 period of several months and, actually, the total working time
16 would have been probably only several days as opposed to the
17 several months that entire time period covered.

18 Q Several days? Are you talking about ten, fourteen,
19 fifteen hours total?

20 A No, the majority of working time would be eight to
21 ten hours a day for each of several days. As far as number of
22 days, I could not give you a specific number.

23 Q Let's take an outside --

24 A Well, I worked on it fairly regularly for a couple
25 of weeks.

26 Q Several days? Are you talking about five days,
27 six days?

28 A Again, I don't want to get pinned down to a specific

1 number of days. I really don't know. I do know the span was
2 over approximately three months. I worked on it off and on,
3 at one time, on a particular angle of it while I was waiting for
4 the additional exemplars to come in. The exemplars would come
5 in, I'd examine the exemplars, and then wait a little bit longer
6 so it was a kind of stop-and-go situation, which makes it
7 difficult to give an estimate of time. Several days is the best
8 I can do. I would say several days; possibly as much as the
9 majority of my time for, say, two weeks or so.

10 Q Okay, and how much of that time was spent on analysis
11 of a physical evidence?

12 A Analysis of physical evidence? A large portion; a
13 large portion.

14 Q What percentage?

15 A Again --

16 Q Approximately, a range.

17 A I didn't take notes at the time to indicate how
18 much time I was spending; and anything I gave you would be a
19 very broad -- very broad -- estimate, and I'm afraid it might
20 be misleading because I don't recall specifically.

21 Q You said a large portion; is it a range of 20 to
22 40 percent, 50 to 60 percent?

23 A Well, percentages and hours, we're still dealing
24 with specifics and I'm trying to avoid specifics. I don't
25 really know. I would say the majority of my time is the best I
26 can phrase it.

27 Q On the physical evidence?

28 A Majority was on physical evidence, although a

1 considerable time was spent on the handwriting.

2 Q Now, I want to get back to that definition of a
3 forgery for a moment. Are you saying that your definition of
4 a forgery is where the document itself is either written --
5 withdraw that -- that the document is intended to mislead
6 someone into thinking that was done by someone else or that
7 person that was writing from a different hand?

8 A If there was any intent of fraud for any purpose,
9 whether it would mislead someone into thinking that the docu-
10 ment purports to be the writings of one person and was in fact
11 the writings of the other, or whether in fact in ^{the} instance
12 ^{they} of writings ^{were} ^{it} whether prepared by a person who later discounts
13 those writings ^{as} ^{it} from being his own.

14 Q In other words, make it appear as if it was some-
15 one else's writing other than his?

16 A Correct, but it would not be done so blatantly so
17 as to disguise and change and distort; it would be done
18 ^{subtly} absolutely in such a fashion to give the rough appearance of
19 being the writings of this person but, on close inspection, the
20 ^{reader} ^{it} person would know, ^{that is} it would be readily detected as a simulated
21 forgery, copied or simulated forgery.. This is encountered
22 frequently in law enforcement work.

23 Q Do you know Mr. Shaneyfelt?

24 A Yes, I do.

25 Q How long have you known Mr. Shaneyfelt?

26 A Since approximately 1960.

27 Q In what capacity do you know him?

28 A As a personal friend and as a business associate --

1 S-h-a-n-e-y-f-e-l-t.

2 Q How long have you been a personal friend of
3 Mr. Shaneyfelt's?

4 A Since approximately 1960.

5 Q Is that when you first met him?

6 A I've had a close association with him for several
7 years beginning about that time. Socially, we aren't that well
8 associated. Socially, outside of work, I don't see him
9 frequently, perhaps once a year, since his retirement.

10 Q Have you ever talked about this case to
11 Mr. Shaneyfelt?

12 A I spoke with Mr. Shaneyfelt about the case, I can't
13 recall the first time. I heard Mr. Shaneyfelt, rather, speak
14 about the case; but I have spoken with him about it, yes, in
15 general terms.

16 Q Would you tell me when and where this occurred,
17 these conversations?

18 A Well, I can't recall the specifics.

19 Q Just when and where first?

20 A They were in the Washington, D.C. area, Washington,
21 D.C. in general; they were telephonic conversations.

22 Q And did you originate the telephone calls or did he?

23 A He did in each instance.

24 Q Do you recall approximately how many calls these
25 were?

26 A No; a few, not a large number.

27 Q Three, four, five?

28 A Two, three.

1 Q You don't recall approximately the time when these
2 calls were made?

3 A No. Arrangements were made for Mr. Shaneyfelt to
4 drop by the office and pick up some of the exemplars. One of
5 the calls would have been at that time, and I am sure the date
6 on the receipt would show when the discussion was held.

7 Q By the way, Mr. Shaneyfelt was not with the
8 government at that time, was he?

9 A No, he was retired at that time.

10 Yes, exemplars described in my earliest dated
11 laboratory report, is specimen K9, were returned to Mr. Shaney-
12 felt on January 24th, so there would have been a conversation
13 at or about that time to arrange for the picking^{up} of the
14 exemplars. They were delivered to him so he might personally
15 return them to Las Vegas. I understand there was a time
16 problem involved in getting the exemplars for use in a hearing
17 or something.

18 Q Did he have an order or a letter from anyone
19 indicating he could pick them up?

20 A ^IReceived either a telephone call or a letter; as I
21 recall, I believe we received a telephone call from Attorney
22 General List's office, stating arrangements had been made for
23 Shaneyfelt to pick up those exemplars described as K9 in my
24 earliest dated report.

25 MR. MENCHETTI: Can I help you?

26 MR. BLUMENFELD: No. It's okay; I don't need any help.
27 I think I've got the picture.

28 MR. MENCHETTI: I think you're looking for skeletons.

1 MR. LILIENSTERN: I move that be stricken as not being a
2 question.

3 MR. BLUMENFELD: I'll join in that.

4 MR. FREESE: Let him have a few gratuitous comments too.

5 Q BY MR. BLUMENFELD: Did you personally --

6 A We received -- that is, Mr. Greenhalgh -- received
7 a letter from -- have a copy here from Davis & Cox, Los Angeles,
8 California, written at the request of Mr. List. ^(read out) I am also
9 attempting to obtain the release -- skip down further -- as I
10 have informed Mr. List, our handwriting expert. Lyndal L.
11 Shaneyfelt, who was formerly with the FBI laboratory until his
12 retirement in 1975, has personally photographed the original
13 document and, if it would be of any assistance, I would be happy
14 for Mr. Shaneyfelt to provide a photocopy -- photographic copy
15 -- for interim use. ^{no} I don't recall all the details. This was
16 about or the time many of the conversations were held with
17 Mr. Shaneyfelt.

18 Q And were you instructed by Mr. Greenhalgh to give
19 him the exemplar, that is, Shaneyfelt?

20 A Again, I can't specifically recall who I talked to.
21 I talked to Mr. Greenhalgh on several occasions; I talked to
22 one of his assistants on several occasions. I can't recall who
23 I talked to on each instance.

24 Q As I understand, the document you just read, that
25 was a letter, or at least a reference to a letter from Davis &
26 Cox?

27 A To Mr. Greenhalgh.

28 Q To Mr. Greenhalgh?

1 A Yes.

2 Q Concerning Mr. Shaneyfelt's involvement in this
3 matter?

4 A Yes.

5 Q But you thought there was a telephone call from
6 Attorney General List?

7 A Or from someone in his office. I can't recall.

8 Q And did you personally turn over the exemplar?
9 Actually, that wasn't an exemplar, was it?

10 A Yes, it was; it was a two-page proxy, I believe.
11 It's described as K9 in my earliest dated report.

12 MR. MENCHETTI: Go off the record for a second?

13 MR. BLUMENFELD: Yes.

14 (Discussion off the record.)

15 MR. BLUMENFELD: Back on the record.

16 Q BY MR. BLUMENFELD: It's my understanding, Mr. Lile,
17 that you did not deliver the exemplar, K9, to Mr. Shaneyfelt
18 personally?

19 A I did not; that is correct.

20 Q Someone else in your office did?

21 A That's correct.

22 Q Who was that?

23 A Bobby Gillham -- G-i-l-l-h-a-m, I believe that's
24 the way.

25 Q Was it at your instruction or someone else's that
26 he delivered the exemplar to Mr. Shaneyfelt?

27 A As I understand, it was through telephone instructions
28 that either he or I received from Las Vegas, or from Carson City

1 I'm sorry -- Carson City.

2 Q Did you meet with Mr. Shaneyfelt at any time around
3 this period?

4 A I can't specifically recall whether I did or not.

5 I should clarify a little bit. Mr. Shaneyfelt has
6 not been retired a great length of time from the FBI laboratory.
7 As a result, there are still matters he worked on while
8 employed in the FBI laboratory which are going to trial.
9 Occasionally it's necessary for him to come into the office to
10 pick up the work sheets and things he will then use to testify;
11 even though he is no longer in the employ, he still is bound to
12 testify on matters he had to work on while an employee. He does
13 come into the office ~~base~~^{occasionally}, wouldn't say frequently, but not
14 infrequently either. I usually see him once every few months.

15 Q Now, I believe you indicated that you did talk
16 about this matter -- that is, the will matter -- with
17 Mr. Shaneyfelt?

18 A In general terms; that is correct.

19 Q Would you tell me what he said to you and what you
20 said to him in these conversations?

21 A Well, he, although he and I both understood from
22 the beginning our conversations could not go into great detail
23 concerning this matter because it was still an open matter --
24 I had not completed my examination; I had completed portions
25 of it, however -- the nearest I recall we ~~ever~~^{never} actually
26 discussed ~~was~~^{3/4} small details. I, of course, could understand
27 that he was curious as to what the results of our examination
28 would be. While I did not give him any details, I do recall

1 using a phrase, something to the effect that, "You and I have
2 no great disagreement."

3 Q Now, you knew of his conclusion, though, at that
4 time?

5 A Oh, yes; I knew of his conclusion.

6 Q How did you find out about his conclusion?

7 A Before even I became involved in the matter, I
8 attended, I believe, a meeting of the ^{FLY}Regional Academy of
9 Forensic Sciences or Middle Eastern Documents Examiners Group,
10 or something. We periodically meet for lunches, and he was
11 there, and it being a noted case, he was discussing it with
12 some other persons, not in great detail, as I say, only in
13 general terms.

14 Q Was this from the podium?

15 A No, no. It was an informal group, wouldn't even
16 describe it as a discussion group. It was merely conversation.

17 Q Do you recall who those others were?

18 A No, I don't; but, again, as I say, he was not
19 discussing it in any detailed terms, merely general terms. He
20 had worked in the case.

21 Q His conclusion?

22 A And his conclusion; yes, I did overhear his
23 conclusion.

24 Q Do you recall about when that was?

25 A No, I really don't. As best I can recall, it was
26 several months before our laboratory received anything.

27 Q I'd like for just a moment to go into what
28 Mr. Shaneyfelt said. Are you saying all he said was he was

1 working in the case and he concluded it was a forgery? Is that
2 all he said?

3 A All I can recall clearly was he was speaking in
4 general terms; that is, he did not get into a discussion of
5 letter formations or any of this sort of thing, just in general
6 terms, he had been retained. He had conducted the examinations.

7 I recall that he spoke of the somewhat inconvenient
8 circumstances under which he had to do his examinations. I do
9 recall that he mentioned the documents were sealed in plexiglass
10 and then his conclusion, and that pretty much is all I can
11 recall.

12 Q And you received this request in December of '76,
13 so that would have been October, November, of '76?

14 A Again, I don't know the precise time it would have
15 been. I would say a few months prior to that December, yes.

16 Q And at that meeting did you talk to Mr. Shaneyfelt?

17 A I'm sure I did.

18 Q Do you recall the substance of your discussion?

19 A I'm sure at that time it would have been merely
20 social, small talk. He had just retired a few months before.
21 I don't recall having seen him since his retirement until I
22 encountered him at the luncheon, so it would have been social,
23 small talk.

24 Q Do you recall about how long after that meeting you
25 talked to Shaneyfelt wherein you told him, "I had no great
26 disagreement with your conclusion"?

27 A Again, it would be very difficult to state exactly,
28 but it would have been after I had received the major portion of

1 the exemplar writings because this was what held up my
2 examination, getting the exemplar writings of a time to
3 cover before, during, and after the purported date of the will.
4 It would have had to have been more nearly the time of my first
5 report, which would have been March, late March, of 1977; but,
6 again, that's an estimate.

7 Q Were there any discussions about this will, other
8 than that statement that you made, "I have no great disagreement
9 with your conclusion," at any time?

10 A It had been discussed in generalities. For instance
11 I recall telling him that he and I had a case in common again.
12 This had happened before. I recall telling him that I would
13 not allow myself to have my examination limited to the document
14 being sealed between the sheets of plexiglass and I insisted
15 it be removed, and I had obtained that permission. I had
16 insisted. He envied me having access to the document for as
17 long as I had it and the facilities that were available, but
18 they were generalities of that type. They were not truly
19 specifics.

20 Q Was that, the conversation that you had, was that
21 on or about the time that document K9 was returned to
22 Mr. Shaneyfelt?

23 A Well, again, I can't recall. Do you have the date
24 the document was returned to Mr. Shaneyfelt?

25 Q Yes, January 21, 1977, personally returned to
26 Mr. Shaneyfelt.

27 A It would probably have been after that date but,
28 again, I can't specifically recall.

1 Q Okay. Now, looking at Exhibit 4, page 6, which is
2 your report dated March 11, 1977, I believe -- and correct me
3 if I'm wrong -- you testified earlier you couldn't tell what
4 caused the stain on the will; is that correct? March 11, 1977,
5 Exhibit 4, page 6, which is f.

6 A Yes, that's correct.

7 Q But you did testify you couldn't tell what caused --

8 A More specifically, they were consistent with the
9 entire wetting. I mentioned the wetting, the inks having bled,
10 heat having been applied. These could result --

11 MR. FREESE: Excuse me, are you talking about the will or
12 envelope or both?

13 MR. BLUMENFELD: Will.

14 MR. FREESE: The purported will?

15 THE WITNESS: Yes. The stains were from the inks bleeding
16 down the page, yes, or actually across the page.

17 Q BY MR. BLUMENFELD: But you indicated earlier you
18 could not tell what caused the stain?

19 A I couldn't tell what the solvent was that caused
20 the stains; that is correct.

21 Q Are you certain it was a solvent?

22 A Well, you have to bear in mind, again, speaking of
23 the terms here. Water is a solvent.

24 Q Yes?

25 A Any liquid would cause the -- not any liquid --
26 many liquids could cause the inks to run in that fashion,
27 including water, in the form of ^{steam} ~~a stain~~.

28 Q Could it be milk?

1 A It could be many things.

2 Q Could it be milk?

3 A I don't know. I don't know myself personally,
4 don't know what the characteristics of milk are. I'm not a
5 chemist.

6 Q But you said solvent. Now a solvent has certain
7 chemical characteristics, doesn't it?

8 A No. As I said before, even water is a solvent.
9 Almost any liquid is a solvent to other substances; but, as
10 far as determining what the solvent is, I don't know what it is,
11 other than it is a liquid.

12 Q Well, what I want to know is: could milk have
13 caused the staining?

14 MR. LILIENTERN: He just answered; he said he didn't
15 know.

16 THE WITNESS: I don't know -- could or could not. I
17 really don't know.

18 Q BY MR. BLUMENFELD: Well, do you know whether milk
19 is a solvent?

20 A I'm sure, to some --

21 Q Would it be a solvent to this paper and the ink?

22 A I have no idea.

23 Q So you don't know whether a solvent caused this
24 running, do you?

25 A I know that some liquid caused the running.

26 Q Now, again, looking at page 6 and Exhibit f, first
27 paragraph: You indicate that it was determined that the
28 streaking of the ball point ink writings on those sheets are

1 the result of applying a solvent around the right edges --

2 A That's correct.

3 Q -- resulting in a right-to-left smearing of the
4 writings?

5 A That is correct.

6 Q When you say a smearing, all you mean is that the
7 liquid touched?

8 A They came in contact.

9 Q That's all you mean?

10 A That's correct.

11 Q Now, the last sentence of that paragraph indicates
12 that the solvent application occurred either while the three
13 sheets were folded together or that the three sheets were folded
14 while still wet?

15 A That's correct.

16 Q Would that have required it to all be folded at one
17 time or one sheet at a time, or do you have no opinion on that?

18 A There was a definite transfer pattern from the
19 positive image to negative image that would be on the other side
20 of the fold. They could have been assembled in the order in
21 which they were stacked and folded together.

22 Q Let me ask you this. Could the following have
23 occurred, hypothetically: After the first page was written,
24 a liquid is applied to the first page, or touches the first
25 page; then the second and third page are written and then it's
26 all folded and all the staining occurs on all three pages. Is
27 that possible?

28 A If the liquid was still wet on the first page at the

1 time they were put together and folded, then it would be
2 possible. For instance, if the pages were folded together while
3 still, say, a small puddle of liquid was on the surface of the
4 first page, they are folded and stood up on the right edge so
5 the liquid runs into a puddle and tipped back up the other way.
6 then the liquid could run down between the various sheets. I
7 would say, hypothetically, it's possible, yes.

8 Q And it's also, of course, consistent with steaming
9 of the document?

10 A Yes, that would be consistent with steaming.

11 Q Now, you indicated earlier, Mr. Lile, you made an
12 initial analysis of the ink in the will?

13 A A preliminary examination, using lighting methods;
14 that is correct.

15 Q Did you also make the same test on any of the
16 original exemplars?

17 A No, I did not.

18 Q What was your conclusion with respect to the ink,
19 other than the fact that it was a ball point pen that wrote it?

20 A That there was no ready evidence that there was
21 more than one pen used; that is, the ink in each instance
22 reacted in the same fashion to the lighting.

23 Q All right, also earlier you indicated that you
24 checked the digits on the Pitney Bowes stamp?

25 A I attempted to read them, that is correct, and was
26 unsuccessful.

27 Q But you did read some of the numbers?

28 A You could read portions of what appeared to be

1 numerals, not sufficiently to determine what all the numbers
2 were.

3 Q Could you determine any of the numbers?

4 A Again, I would have to refer to my notes.

5 MR. FREESE: Off the record?

6 MR. BLUMENFELD: Yes.

7 (Recess.)

8 MR. BLUMENFELD: Would you read the question, please?

9 (The record was read by the reporter.)

10 THE WITNESS: Yes, the last three digits appeared to be
11 either 423 or 425. Beyond that, I couldn't decipher what the
12 numbers were.

13 Q Well, did you look at the reverse side of the
14 envelope where the Pitney Bowes stamp is located?

15 A Yes, I did.

16 Q Did you make a determination or attempt to make a
17 determination as to how it could have gotten in that place?

18 A No, I discussed the matter with Mr. Greenhalgh from
19 Nevada and suggested that he, utilizing photographs I would
20 give him, contact them, the Pitney Bowes people, himself and
21 attempt to make a determination. I did not.

22 Q And you didn't discuss the results with them after
23 that?

24 A Yes -- he told me they had identified the particular,
25 not necessarily model, but series of machines, I believe. It
26 was all second-hand information -- from them to him, and then
27 from him to me; but from the configuration from the stamped
28 impression, it would have had to be one of their such and such

1 machines, if it was in fact an impression, but that the
2 particular machine they identified, ~~and~~ if I can recall, could
3 not have placed the impression that far down on the envelope
4 without the envelope having been folded or creased or something;
5 that is, under normal usage, with the envelope inserted into a
6 machine, it couldn't stamp into that location.

7 Q Did you do any further analysis with respect to the
8 Pitney Bowes stamp other than what you indicated?

9 A No, other than photographic methods of trying to
10 bring up the complete date and the full digits and the meter
11 number -- they were photographic -- I did examine the crease of
12 the flap, where it goes through the impression, to see if there
13 was any unnecessary overlapping or illogical gaps, but, again,
14 to no avail. And, as best I can recall, that was the limit of
15 my examination concerning that stamp.

16 Q Now, I believe you have photographs of the outer
17 envelope?

18 A Yes, I do.

19 Q Would you tell us what tests, if any, you made with
20 respect to the outer envelope?

21 A My examination of the outer envelope was limited
22 to an examination of the writings and comparison of these
23 writings with the writings of the exemplar writings of Melvin
24 Dummar.

25 Q And what was your conclusion?

26 A It was inconclusive.

27 Q Did you also make a test of the note that was in
28 the outer envelope?

1 A The writings on the note, yes, in the same fashion.

2 Q Same fashion? Same conclusion?

3 A Same results, could neither identify or eliminate
4 Melvin Dummar as the writer.

5 Q Can you tell us why you couldn't identify or could
6 decide it was not Melvin Dummar?

7 A Yes, the writings, when I examined them, I noticed
8 they were very slowly prepared. ^{There is} ~~They~~ ^{in the} ~~are~~ ^{ff}
9 ~~are~~ letter formations. In one instance they are different from
10 the letter formations, for instance, in one word, to indicate
11 these are probably not the normal writings of the person who
12 prepared them; that is, to me, they have the indications of
13 having been intentionally disguised and, for this reason,
14 although I did examine them, they just do not contain a
15 sufficient quantity of normal handwriting characteristics of the
16 person or persons who wrote them for positive identification.

17 MR. MENCHETTI: On the record, I'd like to ask if the
18 witness would like to clarify an answer. A few moments ago --
19 I'm not sure it even needs clarification; I didn't listen -- but
20 you asked a question, Mr. Blumenfeld, with regard to information
21 that Mr. Lile had received about the Pitney Bowes stamp. I
22 believe he responded he had received a telephone call from
23 Mr. Greenhalgh. If that was in fact his response, I think he
24 wishes to amend that.

25 Q BY MR. BLUMENFELD: Is that correct?

26 A I did receive a telephone call from him, yes, among
27 many other telephone calls I received from Mr. Greenhalgh, and
28 in one of the conversations he mentioned he had gotten the

1 results back from Pitney Bowes and they were as I described them
 2 before. He, thereafter, followed them up by sending a letter
 3 to me at my office, and, attached to it, was a letter he had
 4 received from Pitney Bowes concerning the results of their
 5 examinations of the photographs and ^{the results} ~~they were~~, in summary as ^{they} ~~they~~
 6 ^{said} were before.

7 I glanced at the letter, saw it was the same type
 8 information -- never read the whole thing. I stuck it in my
 9 file.

10 MR. MENCHETTI: I wanted you to be aware that letter did
 11 exist.

12 Q BY MR. BLUMENFELD: Mr. Lile, are you aware of what
 13 renal failure is, insufficiency kidney failure, kidney
 14 insufficiency?

15 A I'm not real familiar; I've heard the term.

16 Q Would you know whether or not it has any effect on
 17 a person's handwriting if someone has that?

18 A I never heard or learned anything specifically
 19 along those lines. No, I wouldn't --

20 Q Did you give any consideration to the possibility
 21 that the writer of the will was ill?

22 A I had anticipated, prior to receiving the original
 23 document, that some attempt ^{have been} might be made, if this will were not
 24 genuine, to duplicate the writings of an elderly and infirm
 25 person or that it might be the result, that is, the ^{reason} result to
 26 examine the original document, might reveal ^{they were the} other writings of
 27 someone very ill, very infirm, or elderly. I was aware of that.
 28 At the time I received it, I did expect something along those

1 lines one way or the other. The results of my examination,
2 however, discounted that.

3 Q I'm not sure I understand you. Did you say you
4 anticipated, prior to receiving the will, that someone could
5 claim that or it could exist?

6 A No, to backtrack just a little bit. There had been
7 so much publicity, of course, as to the purported poor state
8 of health of Mr. Hughes in his later years that I anticipated
9 that the will, if it were legitimate, might show some places
10 of someone very ill or someone very elderly, or if not legiti-
11 mate, might show the traces of someone trying to make it ^{so it} appear.
12 I had this in mind at the time. However, in examining, I
13 found it did not have any of these elderly, tremorous type
14 formations in the writings I have been led to believe are
15 present in the writings of persons in poor health or very old.
16 Instead, it had the poor-line quality, the waverings, rather
17 than the actual tremor of the hand, all the classical signs of
18 a simulated or copied forgery.

19 Q You stated just now you did not have the signs that
20 you were led to believe would be indicated by someone who is
21 ill or aged; is that what you said?

22 A As a result of my ^{r/r} readings, and based upon the
23 cases I have examined involving the writings of elderly persons,
24 based on my experiences, perhaps is a better term.

25 Q I thought you indicated earlier that there is no
26 condition that would change the basic characteristics of some-
27 one's writing?

28 A That's true; the basic characteristics will still

1 be there. They may not be there in their entirety, but a
2 sufficient quantity can be there. They can be identified as
3 a ^{deteriorated} descriptive-type writing.

4 Q So, in your opinion, there is no condition -- ill-
5 ness or aged or otherwise -- that would change the basic
6 characteristics?

7 A Not completely, totally, over an extended period
8 of writing, say, three pages. Perhaps a signature or something
9 on occasion could, but not three pages of writing.

10 Q Have you ever been aware of a change in someone's
11 writing when he is writing for a vast audience to see, as
12 opposed to a personal note?

13 A Very common, sure --

14 Q What kinds of writings --

15 A -- so-called informal and formal. Formal writings
16 are written for increased legibility, sometimes for a cosmetic
17 appearing purpose, depending upon the reasons for the writings,
18 but primarily they are for purposes of legibility or impressing.
19 They are encountered particularly in handwritten employment
20 resumes or the like, where the writer is trying to impress
21 someone. In those instances the writings tend to be prettier,
22 more attractive, and particularly more legible.

23 Q Slower?

24 A Slower, yes.

25 Q Retouching?

26 A No, not that slow. They are still the ^{normal} ~~formal~~
27 writings; the person is just not writing in the same fashion
28 as if he were sitting in a classroom, taking a class lecture,